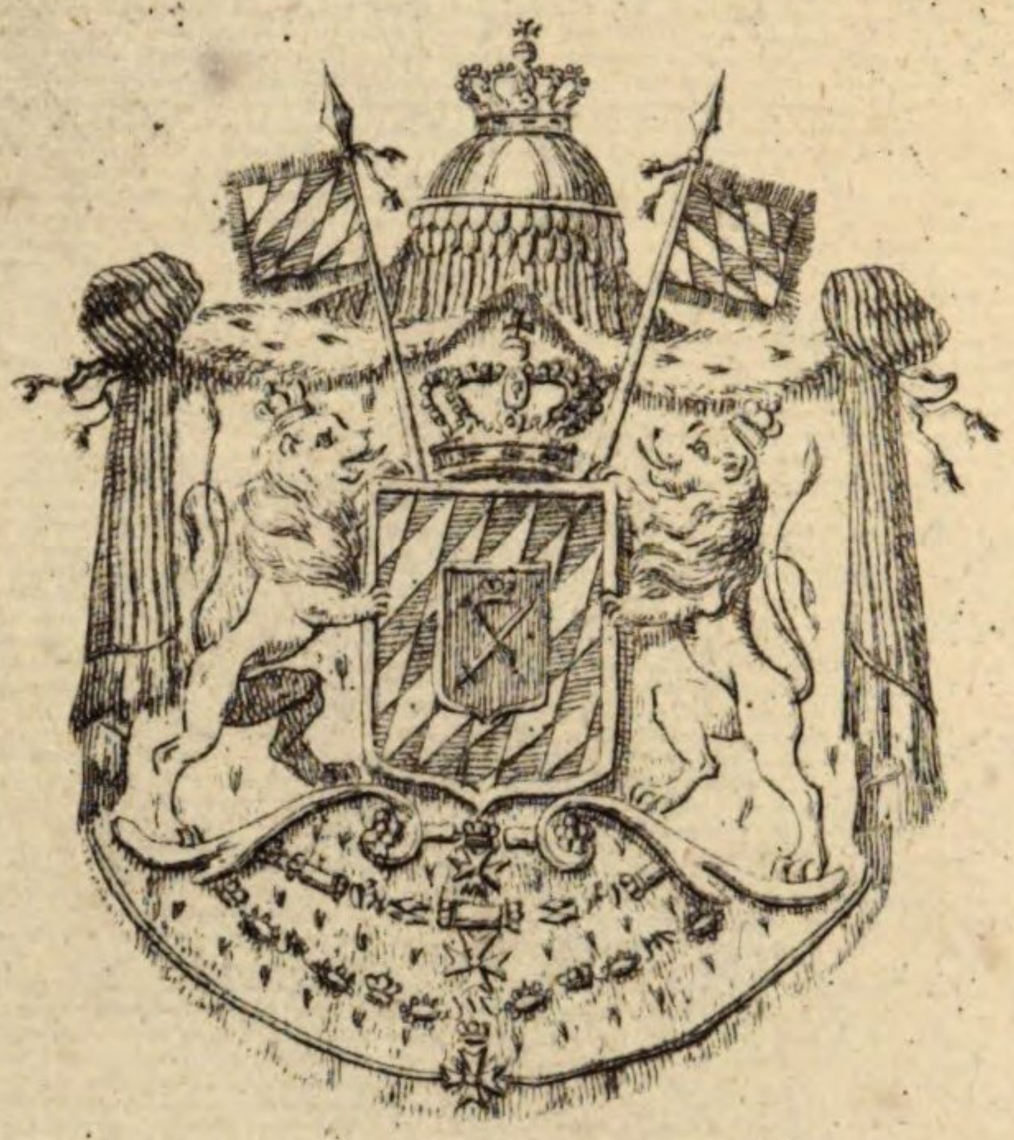
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BIBLIOTHECA REGIA MONACENSIS.

Fac-Similes of the Hand-Writing of William Davison.

Verily longer I praie you beleeve my spirite. I Moore doe finde upon sol mis after ſ feule & wearisom a Lieng I doe geeve my remembrance of my dewtie must ſ gmitt is & in haste take my leave.

At ye Arche at Windesor ye xxiiij of Octo. 886

P. 195.

ꝑ. Decembr 1590 From my poore desolat grose in Londy ye xxvj

It Ma^tie my Gmmber ſ stedfull & bownd Lord Herbard [illegible] wch Lady his Gop Lorde hath goodnes of yt Gop nature ever Dispreide hir in Gun ys sol mo

W. Davison

LIFE

OF

WILLIAM DAVISON,

SECRETARY OF STATE

AND

Privy Counsellor

TO

QUEEN ELIZABETH.

Dî (si qua est cœlo pietas, quæ talia curet)
Persolvant grates dignas, et præmia reddant
Debita. VIRG.

BY

NICHOLAS HARRIS NICOLAS, Esq.

OF THE INNER TEMPLE.

LONDON:

PRINTED BY AND FOR JOHN NICHOLS AND SON,

25, PARLIAMENT STREET.

1823.

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PREFACE.

So many works have recently appeared on the reign of Elizabeth, that it is necessary the motives which have produced another should be explained, lest the idea that nothing new can be said on any of the events which occurred in that period, should create a prejudice against the present publication.

The connection of William Davison, one of the Secretaries of State to Queen Elizabeth, with the fate of Mary Queen of Scots, has obtained for him the notice both of Historians and Biographers, and he is in a great degree identified with that event. In examining his conduct on that occasion, that of Elizabeth is necessarily reviewed; hence every thing which relates to it is of great

interest, as additional light is thrown on an obscure point of history, and new traits are developed in the character of that extraordinary woman. From the original matter inserted in this volume, sufficient evidence is perhaps adduced to form a conclusive opinion of her real intentions towards her kinswoman.

Some of the manuscripts in the British Museum were found to contain very important particulars of Davison: especially, two circumstantial narratives of what occurred between Elizabeth and himself relative to the warrant for Mary's execution; a copy of his examinations in the Tower, by two Privy Counsellors; and his pathetic appeal to the Queen's feelings: neither of which documents have, it is presumed, been before noticed.

The will of Davison, which has hitherto escaped observation, affords considerable information about him after his dismissal from Elizabeth's councils, at which epoch of his life all his former Biographers have left him; and very little has been known of him subsequent to his commitment to the Tower.

Several letters from the most illustrious of Davison's contemporaries are introduced; of these a few have already been published; but the one from King James to Archibald Douglas, all of those from Sir Philip Sydney, and the majority of the others, were copied from the originals, and are for the first time printed.

The Appendix contains the four Narratives, or, as they are termed, "Apologies," left by Davison. The two first, and which are the fullest and most satisfactory, have never before, it is believed, been cited or published; and although the third may be found in many works, it was thought advisable to collect the whole of the evidence which exists on the subject. The fourth is given in Robertson's "History of Scotland;" but it is inserted for the same reason. The three examinations of Davison, whilst he was a prisoner in the Tower, a paper written by him, relative to the conduct of Lord Burleigh towards him, and two copies of his trial before the Star Chamber, will also be found at the end of the volume.

The question of the guilt or innocence of the Queen of Scots is not in the slightest

way discussed; nor are Davison's sentiments on the necessity of her destruction either approved or defended: all which is claimed for him on that point is, that he was guided by the most conscientious feelings, and that the opinions he expressed were dictated by his anxiety for Elizabeth's personal safety, his zeal for the Protestant Religion, and his devotion to the welfare of his Country. That these excitements might have misled his judgment is by no means improbable, for his inflexible integrity was no protection against the prejudices and errors of his times. It is admitted that he was Mary's political enemy; but he was a generous and open adversary; and although a mistaken patriotism induced him to advise the Queen to execute the sentence passed on her, his love of justice made him reject with abhorrence every suggestion for putting her to death by sinister or illegal means. As this was the most momentous transaction in Davison's life, an apology can scarcely be required for the space appropriated to the relation of it.

Considerable trouble has been taken to obtain all the information which is extant concerning this celebrated Statesman; and

it is sanguinely hoped that such particulars of him have been discovered as will be interesting to the Publick, and attain the object which has actuated his Biographer in submitting this Memoir to its notice — that of exhibiting the character of the unfortunate Davison in its true colours, of removing those suspicions which have prevented his greatest advocates from totally acquitting him of guilt or imprudence, and of vindicating that reputation which it was the wish of his ungenerous Sovereign to traduce and destroy.

August 30, 1822.

DIRECTIONS TO THE BINDER.

Fac-Similes of the Hand-writing of William Davison

[*to face the title.*

———— of the Earls of Leicester and Essex, Lord Burleigh, and Sir Francis Walsingham.....P. 26

———— of Sir Philip Sydney .....P. 30

———— of Queen Elizabeth, Mary Queen of Scots, and James I. .....P. 72

Genealogical Table .....P. 213

LIFE

OF

WILLIAM DAVISON,

SECRETARY OF STATE TO QUEEN ELIZABETH.

IT is the province of Biography to collect those particulars of the lives of men who have been eminent in the service of their country, which are too minute for the historian, and to enter into that extensive indagation of their conduct which the nature and object of history entirely preclude. A wish is often entertained to become acquainted with the private characters of statesmen who attained the plenitude of power and prosperity; and a strong desire

is generally felt to learn what befel them after the sun of royal favour, to which alone they sometimes owed their celebrity, had entirely set. The historian necessarily leaves those who possessed his attention, when they cease to be concerned in the transactions which he records; but the biographer, like a faithful friend, attends them wherever adversity may drive them; and steadily follows the luminary, whose rise and apex excited his admiration, through its obscurations and wane, to its natural and total extinction.

Few men have ever so severely experienced the vicissitudes attendant on public life, or suffered so cruelly from the selfish policy and injustice of their sovereign, as William Davison, one of the Secretaries of State to Queen Elizabeth.

Of the ancestry of this celebrated individual nothing is known, and even the time and place of his birth have not been ascertained. Whilst the guest of Sir James Melvill, during his residence in Scotland, as secretary to Mr. Killegrew, he told Sir James "that he was come of Scotsmen;"* from

* Memoirs of Sir James Melvill, ed. 1735, p. 314, 315.

this remark it has been concluded that he was either born in Scotland, or descended from natives of that country.* His name† renders it very probable that his family were Scotch; but, from his being a genealogist, and nothing relative to his own pedigree being given in his manuscripts, it may fairly be presumed that it was obscure; and this opinion is supported by his having had a grant of arms, the registry of which is the only record of him in the Heralds' College. The cause of his introduction to the court of Elizabeth, and the appointment he first held in it, are subjects of conjecture: by his marriage he was allied to many persons of considerable importance; amongst others to the celebrated Earl of Leicester, who addressed him in all his letters as his cousin; to Sir William Cecil, afterwards Lord Burleigh; and to Sir Henry

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* Kippis's Biographia Britannica.

† In a letter, given in Collins's Peerage (ed. 1779, vol. II. p. 402), from Henry Percy, eighth Earl of Northumberland, to the Earl of Shrewsbury, dated Alnwick, 6th August 1557, he speaks of a "*Richard Davyson,*" who was mortally wounded in a skirmish in the town of Fenwick; and describes him as one of the "best borderers and guides" which the Scotch forces possessed.

Killegrew, * with whom he commenced his diplomatic career, but it is not likely that the connexion was formed sufficiently early to allow his first appearance in public life to be attributed to that cause. To Sir James Melvill's memoirs† we are probably indebted for the earliest information respecting him: it appears from them that he accompanied Mr. Killegrew, in June 1566, as Secretary to the embassy to congratulate the Queen of Scots on the birth of her son. The passage from which we learn this, contains also an insinuation against him, which is transcribed, in order to point out its injustice: — "He (Davison) had been in Scotland before, and was at my house, in company with Sir Henry Killegrew, my old friend, when he was resident in Scotland; at which time he acknowledged to me that he was come of Scotsmen, and was a Scotsman in his heart, and a favourer of the King's right and title to the crown of England. He desired *me to keep all secret from* Mr. Killegrew, promising, if he could find the means to be employed

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* Vide Genealogical Table. † P. 314, 315.

here, that he would do good offices." * It is difficult precisely to understand what is meant by this observation, unless the author intended to assert, that Davison entertained designs at variance with his integrity and duty. The inaccuracy of part of the paragraph from which the above has been extracted has been already alluded to; † and the injustice of the insinuation is apparent from the improbability of his making any communication to Sir James Melvill which he wished to be kept secret from Mr. Killegrew, on an occasion when the latter was present. A possibility certainly exists that this conversation occurred with Melvill in the very words in which he relates it; if so, the presumption is, that Davison had a *political* object in professing his attachment to Scotland, and that Killegrew was perfectly acquainted with it; although it might be necessary to persuade Sir James that his zeal for the interest of that country entirely arose from personal feelings, and that it was not only unconnected with his official situa-

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* Melvill's Memoirs, p. 314, 315.

† Kippis's Biographia Britannica.

tion, but in opposition to the duties which it imposed. When, however, it is remembered that part of what is attributed to him was in unison with his opinions on the succession of James to the throne of England, it is most probable that Melvill's memory on that occasion was imperfect; for until Davison's appointment as Secretary of State, his very enemies have admitted the unblemished integrity of his political character. His talents and acquirements, united to the extraordinary address and assiduity which always distinguished him, caused him to be selected to accompany Mr. Killegrew.* For nearly ten years nothing farther is known of him. Killegrew returned from Scotland in the July of the same year;† but whether Davison remained after his departure, or came back with him, is uncertain. His biographers remark, that there are strong reasons for believing that he remained attached to the court, and was employed in affairs of importance during that period.‡

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* Biographia Britannica.

† Burleigh's Notes of the Reign of Elizabeth, in Murdin's Burleigh Papers.

‡ Biographia Britannica.

The grounds for this supposition are not stated; but it must be observed, that he is not mentioned in any work on the reign of Elizabeth between the years 1566 and 1576.

On the death of Zuniga, governor of the Low Countries, and commander of Requesens, in February 1576, Davison was sent to the States as her Majesty's agent, to continue the treaty of peace.* His instructions are dated March 29, 1576:† they command him to assure the States of her Majesty's commiseration; to deny the accusation made against her, that she nourished their civil wars; and to advise them to continue in their allegiance to the King of Spain: but the real object of his mission was to observe the state of affairs, with the view of enabling Elizabeth to proceed with the greater policy relative to the applications made to her by the Prince of Orange and the people of Holland.‡ He executed the commission with which he was entrusted so much to the Queen's satisfaction that he

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* Lord Burleigh's Notes.

† Lansdown MSS. 155.

‡ Biographia Britannica.

was sent over, on the 2d of July 1577,* to reside as her Majesty's agent at Antwerp; and by instructions dated the 2d of August following, he was ordered, on Namur being seized by Don John, to proceed to that city.† His conduct was as highly approved by Elizabeth as it was agreeable to the States: he taught them to hope for the Queen's aid and support; and on their pointing out that they absolutely required a sum of money for their defence, he immediately engaged to procure it, on their giving adequate security. The valuable jewels and plate which had been pledged by Matthias of Austria to the States of Holland were, in consequence, sent to this country. Lord Burleigh, speaking of them in his notes, says, "May 1579. Mr. Davison brought over jewels from the States for a pawn for £28,000; which jewels were delivered to the Lord Cobham and Mr. Secretary Walsingham, with consent of the Arch-duke Matthias, governor there after Don John's death:" but the total sum advanced appears

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* Burleigh's Notes.

† Lansdown MSS. 155.

to have been £50,000.* The different instructions given to Davison by the Queen during his residence in Holland, together with his letters to the Earl of Leicester, &c. are still preserved: they throw considerable light on the affairs of the States at that period, and upon Elizabeth's conduct towards them; their contents, however, are more connected with the history of that country than with the life of Davison. They completely prove that throughout his negociations with the States of Holland he evinced the greatest diplomatic ability, and that he had the singular good fortune not only to obtain the approbation of his own Sovereign, but also to acquire the esteem of the States General. †

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* Cottonian MSS. Galba, c. vi. part II. f. 110.

† The MSS. in the British Museum relating to Davison's negotiations in Holland are,

Copies of six instructions from the Queen to Mr. Davison, of different dates between March 29, 1576, and September 19, 1578. (Lansdown MSS. 155. Harl. MSS. 285. 36. Cottonian MSS. Galba, c. vi. part II.)

Seven letters, containing instructions, &c. from Sir Francis Walsingham to Mr. Davison, of various dates; the first from Odiham, Oct. 22, 1578, and the last from Richmond, Jan. 20, 1579. (Cottonian MSS. Galba, c. vi. part II.)

Two letters from Mr. Davison to Lord Burleigh, relating to

Mr. Davison returned from Holland in April or May 1579; and the manner in

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the affairs of Holland; the one dated Brussels, April 16, and the other April 21, 1576. (Cottonian MSS. Galba, c. v.)

Eight letters, on the same subject, from Mr. Davison to the Earl of Leicester, of various dates, between Oct. 3, 1577, and March 26, 1579. (Cottonian MSS. Galba, c. vi. parts I. and II.)

The Prince of Orange's answer to several points proposed by Mr. Davison, April 1578.

Minutes of proposals made by Mr. Davison, May 20, 1578.

Articles proposed by Mr. Davison to the States General, with their answers, May 29, 1578.

Bond from the States of the Low Countries for money borrowed of Queen Elizabeth, Antwerp, Nov. 3, 1578.

Remonstrance made by Mr. Davison to Prince Casimir, concerning his conduct at Ghent, Nov. 10, 1578.

Prince Casimir to Queen Elizabeth, complaining of Davison's remonstrance, Nov. 14, 1578.

A paper relating to the Sum of £50,000 lent by Queen Elizabeth to Brabant and Flanders in 1578.

Memorial of Mr. Davison to confer with the Prince of Orange, with the Prince's answers, 1578.

Articles proposed by Mr. Davison to the States General, with the answers of the States, May 20, 1578.

Another memorial for Mr. Davison to confer with the Prince of Orange, with the Prince's answer.

A Letter from Sir Francis Walsingham to Don Casimir, denying that he was the cause of Mr. Davison's negociation, which had offended the Duke, 1578. (Cottonian MSS. Galba, c. vi. part II.)

A letter from the States General to the Queen, regretting Davison's departure, and requesting that he or another might

which he had conducted the delicate affairs committed to his guidance gained him so high a reputation at court that he was employed on every object which required nice and difficult management.* Probably as a reward for the services he had performed, Elizabeth granted him, by letters patent, dated 19th January, in the twenty-first year of her reign [1578], the reversion of the situations of clerk of the Treasury and Warrants, and Custos Brevium of the King's Bench;† but he did not succeed to them until many years afterwards.

In 1582 the affairs of Scotland wore a serious aspect: the influence of France began to be considerably felt, and it became desirable that an effort should be made not only to counteract it, but to induce the King and the people to slight the offers made them by that country, and to depend

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speedily be sent them; also on the subject of the deposit of Jewels, &c.; Antwerp, May 22, 1579.

"A Remembrance for 'my Cosen Cheeke' of such Particulars as he is to declare unto Her Majesty concerning the present State of the Low Countries, 1578." (Cottonian MSS. Galba, c. vi. part II.)

* Biographia Britannica.

† Harl. MSS. 830.

upon England only for assistance. So important a mission required talents and address of the highest order, and Davison, from possessing both in a superior degree, was selected as her Majesty's ambassador to the court of Scotland. Lord Burleigh's notes inform us that he and Mr. Bowes went into Scotland in February 1582-3. It is certain that Davison succeeded in gaining considerable influence both with James and the Earl of Arran; and this is admitted, even by a writer who speaks of him with direspect: * the Lord Treasurer's notes also state that "Davison was revoked from Scotland in September 1583;" but it is positive that he was there in September 1584. †

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* Fontenay's letter to Mary Queen of Scots, in Murdin's Burleigh papers, p. 552.

† The following part of Davison's correspondence whilst ambassador to the court of Scotland is in the British Museum.

Thirty-five letters from Mr. Davison to Secretary Walsingham, on the affairs of Scotland, between January 1582-3 and September 17, 1584. (Cottonian MSS. Caligula, c. vii. and c. viii. Harl. MSS. 291.)

Two letters from Mr. Davison to Lord Burleigh; the one

From Davison's correspondence it appears that in January 1582-3 he had an audience of the King; that he was soon after at Newcastle; and, in the March following, at Edinburgh. In the dispatch from Mr. Bowes to Sir Francis Walsingham, dated at Edinburgh, March 28, 1583-4, he says, that Mr. Davison and Manningville were then about to return: he was, however, at Ber-

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dated Jan. 3, 1582-3, and the other, from Berwick, May 8, 1584. (Cottonian MSS. Caligula, c. vii. and Harl. MSS. 291.)

A letter from Mr. Davison to Sir Christopher Hatton, Edinburgh, 6th September 1584. (Harl. MSS. 291.)

Several letters to and from Davison, and other papers, relating to his Embassy. (Ibid.)

A letter from Secretary Walsingham to Mr. Davison and Mr. Bowes, Feb. 27, 1582-3. (Ibid.)

Articles presented by Mr. Davison and Mr. Bowes, for the better satisfaction of Her Majesty, March 1, 1582-3. (Cottonian MSS. Caligula, c. vii.)

Also, Queen Elizabeth's instructions to Mr. Davison. (Harl. MSS. 291.)

A letter from the Queen to Mr. Davison, dated August 1584. (Ibid.)

Directions to Mr. Davison for employing the sum of £2000, signed by Lord Burleigh, dated 25 April 1584. (Harl. MSS. 286. Caligula, c. viii.)

The King of Scotland's passport for Mr. Davison, dated at Holyrood, 26 May 1584. (Harl. MSS. 291.)

wick in May 1584, in which month his passport is dated; and on the 17th of September he states, in his letter to Secretary Walsingham, that he was on his return from Scotland. Robertson thus speaks of the object and success of Davison's mission: "Henry III. sent De Motte Fenelon, his ambassador at Elizabeth's court, to Edinburgh, to endeavour to place James in a situation more suitable to his dignity than to be in the hands of a party devoted to the English. As Elizabeth could not refuse him liberty to execute this commission, she sent Davison ('a man of abilities and address' *) to attend him into Scotland as her envoy, under colour of concurring with him in the negociation, but in reality to obstruct his success. James received Fenelon with great respect; but finding himself watched by Davison, and distrusted by the Nobles, he returned to England without having succeeded in his object." † About this period Mr. Davison was clerk of the Privy Coun-

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* History of Scotland, vol. II. p. 282. † Ibid.

cil; * but the date of his appointment to that office has not been discovered. Early in 1585 the States of the Low Countries became obliged to throw themselves on the Queen's protection, and after Antwerp was seized by the Spaniards, she was necessitated to adopt decided measures. Elizabeth determined to assist them in their resolution of defending their freedom by force of arms; and Mr. Davison was selected as her Majesty's ambassador to form the treaty with them, which was to be the basis of their alliance with England: he went into Holland, according to Lord Burleigh's account, in August 1585; who thus notices his departure: "August 1585, Mr. William Davison sent of special message into the Low Countries, with 40 shillings diet." † His instructions, which are still extant, ‡ are without date, and consist of nine articles: the principal point in them is, to assure the States that the Queen had taken them under her

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* Strype's Annals, vol. III. p. 290.

† Lord Burleigh's notes.

‡ Cottonian MSS. Titus, b. ii.

protection; with some directions as to his conduct in particular contingencies. The most explicit information relative to his negociation in Holland is given in the following note to the life of Davison in Kippis's "Biographia Britannica." It is chiefly taken from Strype's "Annals" * and the "Cabala;" but these works have been referred to without finding all the letters and intelligence which it is said are contained in them. "The treaty with the States was negociated between their ministers and a committee of the Privy Council here; but the carrying it into execution was entirely remitted to the care of Mr. Davison.

"The Queen's instructions to him, countersigned by Secretary Walsingham, are still preserved, and consist of nine articles; but they are without date †. It appears, however, that in September 1585, his negociation was far advanced; for upon the fifth of that month the Queen sent him a commission to take possession of Flushing in her

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* Vol. III. p. 290.

† Cottonian MSS. Titus, b. ii.

behalf, and to put the Brill into the hands of the person whom General Norris should appoint. There are also letters extant from him to the Earl of Leicester and Secretary Walsingham, relating to these affairs, as also a very remarkable dispatch from the Commissioners who had concluded this treaty to Mr. Davison, dated October the 3d, in which they acquaint him of her Majesty's entire approbation of his conduct, and signify that the discontent which it seems had been already shewn about this treaty, did not in the least regard him; but referred to those who had the administration of affairs in Holland, who are said to have shewn a spirit of over-reaching; and as they were composed of traders and advocates, the former respecting nothing but their profit, and the latter flying naturally to quirks and tricks, there was no better to be expected from them. Upon the whole, it appears that no Minister could have greater trust reposed in him; or desire a more ample approbation of his services than he met with. In one thing only he seems to have been a little uneasy, and that was the narrowness of his allowance, which made him very desirous to return to England,

that the rise of his reputation might not be purchased by the ruin of his estate. He was not, however, recalled till after the Earl of Leicester went over thither; and we find the Lord Treasurer Burleigh entreating him to give his advice to Mr. Thomas Cecil, his eldest son, appointed Governor of the Brill, at the same time that Sir Philip Sydney succeeded Mr. Davison in the command of Flushing." *

The Earl of Leicester arrived in Holland

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* The following documents and letters relative to Mr. Davison's mission to the Low Countries, are among the manuscripts in the British Museum.

Queen Elizabeth's instructions to Mr. Davison on his going over (without date). (Cottonian MSS. Titus, B. ii.)

Ibid. 24 December 1584. (Harl. MSS. 285.)

Ibid. 3 September 1585. (Harl. MSS. 36.)

Ibid. 27 April 1586. (Cottonian MSS. Galba, C. ix.)

Queen Elizabeth's Warrant for Mr. Davison's return, April 24, 1586. (Harl. MSS. 285.)

A letter from Mr. Davison to Sir Francis Walsingham, Flushing, October 31, 1585. (Lansdown MSS. 150.)

A letter from Mr. Davison to Mr. Herle, London, Feb. 17, 1585-6. (Cotton. MSS. Galba, C. viii.)

Ibid. Feb. 26, 1586. (Ibid.)

Nine letters from Mr. Davison to the Earl of Leicester, of various dates, between Oct. 5, 1585, and Feb. 28, 1585-6. (Ibid.)

A letter from Mr. Davison to a Dutch Minister, Hague, March 10, 1586. (Ibid.)

about the 12th of December, 1585, as appears from his letter to Sir Francis Walsingham, dated the Hague, 22d January, 1585* [1586]: in this dispatch, he speaks very highly of Mr. Davison, and of the services he had rendered in Holland, and requests that he might be sent back to him with increased powers. Davison's repeated solicitations to be allowed to return to England, were at length complied with: the Queen's warrant for his return is dated 24th April 1585† [1586]; it states that the reason of

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A letter from Maurice de Nassau, Prince of Orange, to Mr. Davison, Hague, 1585. (Cotton. MSS. Galba, C. viii.)

Remembrance from the Earl of Leicester for Mr. Davison. (Cotton. MSS. Galba, C. ix.)

A letter from Mr. Davison to the Earl of Leicester, London, Feb. 17, 1585-6. (Ibid.)

Ibid. last day of Feb. 1585-6. (Ibid.)

Ibid. London, July 2, 1586. (Ibid.)

Two letters, Ibid. Nov. 4 and 5, 1586. (Cotton. MSS. Galba, C. x.)

A letter from the Earl of Leicester to Mr. Davison, March 10, 1585-6. (Harl. MSS. 285.)

Ibid. April 24, 1585. (Ibid.) From the contents of this letter, the date assigned to it must be erroneous. It was probably written in *November* 1585.

A letter from Sir Philip Sydney to Mr. Davison, dated Amsterdam, 19 March, 1586. (Ibid.)

Ibid. Flushing, 14 April, 1586. (Ibid.)

* Harl. MSS. † Harl. MSS. 285.

his being recalled was her "Understanding his earnest suit, and desire to be revoked."

The cause of this request, it has been said, was the smallness of his allowance; and if his embassy afforded him no other sources of emolument than the allowance of forty shillings a day, which Lord Burleigh tells us was his pay, we can easily imagine that his private fortune must have suffered considerably. Mr. Davison was, however, in London two months before the date of his recall: the following extracts from his letter to Mr. Herle, dated London, February 17th 1585 * [1586], are curious. He informs him that he arrived in town on the preceding Sunday, "and on the same day repaired to the court, but found a very cold welcome, and things strangely interpreted." That Lord Leicester's conduct "was utterly disapproved, and that Sir Thomas Heneage was dis-

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* Cottonian MSS. Galba, C. viii. It is to be remarked that in many of the copies of original letters, given in this Memoir, although the original expressions are strictly preserved, the orthography is modernized. This has been done because many of the MSS. particularly those of Mr. Davison, are so very illegible, that it was almost impossible to decipher every letter; hence, as it could not be done with exactness, it was thought best not to attempt it.

patched to undo and overthrow all that was done:" after his arrival he says, "my first object was to discover from Mr. Secretary, and then from the Vice Chamberlain, whether her Majesty, having knowledge of my arrival, had sent for me." "The first part of my audience with the Queen was exceeding sharp, not only against his Lordship, for presuming so far without her privity and consent, and against her express commands; but also against me for not dissuading him, and opposing myself to it." "Of the success of my arguments with her Majesty," he continues, "you may learn from my letters to my Lord, and to others; and I may be bold to assure you, that had I not arrived, my Lord would have been utterly dishonoured, and the cause overthrown." Although he had successfully exerted himself to convince the Lord Treasurer that the measures adopted were necessary, and his Lordship had in consequence urged Elizabeth on the subject, he adds, "the Queen is indisposed to revoke Sir Thomas, but I have induced her to qualify her message; but even now, it would be little acceptable to the Earl, or profitable to the cause:" that Sir Thomas was then in Kent, detained

by wind and weather, intending to go by Flushing "if the journey held;" but which he had some idea would not be the case, as he found "her Majesty decline daily in the heat of her offence against his Lordship," who, he observes, "owes more to the constant friendship of Mr. Secretary than to all the others at Court:" after expressing his hopes that Mr. Herle's wife and his friends were well, he tells him that "my poor self being now in some part unburdened of my business, am preparing to go towards the Bath, about the middle of next month, where I shall be more able to pray for you, than able to do you service;" and concludes by assuring him of his friendship. In a postscript, he adds, that Sir William Pelham was then at his house in the country, from whom he had heard once or twice, and who, he remarks, "had been hardly dealt with." *

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* Sir William Pelham was field-marshal of the forces under Leicester in Holland, in 1585, and died at Flushing, November 24, 1587. Vide Camden's Elizabeth, p. 511.—Stow's Annals, p. 733 to 741.—Collins's Peerage, ed. 1779, v. 8. p. 118, 119. The injustice alluded to by Davison perhaps referred to some imputations thrown on him by Leicester, in extenuation of his own conduct.

On the same day [February 17, 1585-6], Davison wrote to Lord Leicester, in which he gave an able and elaborate account of what passed in his audiences with the Queen, and of the arguments he used to persuade her of the propriety of the Earl's conduct. In this letter, * which is very long, and admirably written, he states that the morning after his first interview with her Majesty, on finding that Sir Thomas Heneage "was dispatched with great heat, I repaired again unto her, and so much was I perplexed, *with tears* besought her to be better advised."

On the last day of February 1585 [1586], Mr. Davison again wrote to the Earl of Leicester from London, † and the subjoined extracts from his letter cannot fail of being deemed highly interesting, as they exhibit Elizabeth's transient, and wavering anger towards her favourite, and the effect which her displeasure produced on Lady Leicester. Davison commences by informing his Lordship, that since his arrival and the audiences he had had with the Queen, "the storm

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* Printed at length in Hardwicke's State Papers, vol. I. p. 301. † Cottonian MSS. Galba, C. viii. fol. 46.

against his Lordship had overblown, and abated daily, but that notwithstanding, Sir Thomas Heneage continued his journey." He then says, "I have not seen my Lady for five or six days, but I hope to do my duty towards her tomorrow. I found her greatly troubled with the tempestuous news she received from Court, but somewhat comforted, when she understood how I had succeeded with her Majesty. It had been told me, by some great ones, that it had been put into her Majesty's head, that your Lordship had sent for her, and that she made preparations for the journey, which, added to a number of other things, asserted by such as affected neither your Lordship, nor the cause, did not a little increase the heat of her Majesty's offence against you. But this passion overblown, I hope her Majesty will have a gracious regard both towards yourself, and the cause (as she hath not let sometimes to protest since my return), knowing how much it importeth her in honour and surety; which, recommending to the blessing of God, and your Lordship to his gracious protection, I do here most humbly take my leave, from my poor house in London, this last of February

1585-6. Your Lordship's ever bounden, and most devoted to do you service.

W. DAVISON."

Mr. Thomas Dudley, in a letter to Lord Leicester, dated February 11th, 1586, also alludes to the report of Lady Leicester's going over to the Earl, and says that her Majesty had been informed that the Countess was going over to him, "with a train of ladies, gentlemen, and such coaches, litters, and side-saddles, as her Majesty had none such, and which would surpass her Court here, which did not a little stir her Majesty to extreme choler, and dislike of all your doings; saying with great oaths, she would have no more Courts under her obeisance but her own." In this letter, Mr. Dudley tells his Lordship that he has long forborne to acquaint him with her Majesty's displeasure, "hoping he would have sent Mr. Davison to have satisfied her Majesty, but as he was not yet come," he is induced to do so; and in another place, "that the long stay of Mr. Davison's company, and his forbearing to write, maketh all his friends at their wits ends what to answer, or say in

his behalf;" and adds, "all your friends at Court look for Mr. Davison's arrival to satisfy all furies." * Notwithstanding Davison's exertions to soften Elizabeth's resentment towards Leicester, and the success which attended them might have convinced his Lordship of the sincerity of his conduct, it is evident that the Earl thought he had not pleaded his cause as he might have done: and it appears from Leicester's dispatch to Secretary Walsingham, dated 31st January [1585-6], † in which he says, "Mr. Davison doth now return home, which I could hardly have yielded unto, but only to satisfy you of our proceedings;" that the Earl relied on him to explain, and justify what he had done in Holland. In a letter from Lord Leicester to Davison, addressed, "Cousyn Davison," dated March 10, 1585 [1586], ‡ among other charges he accuses

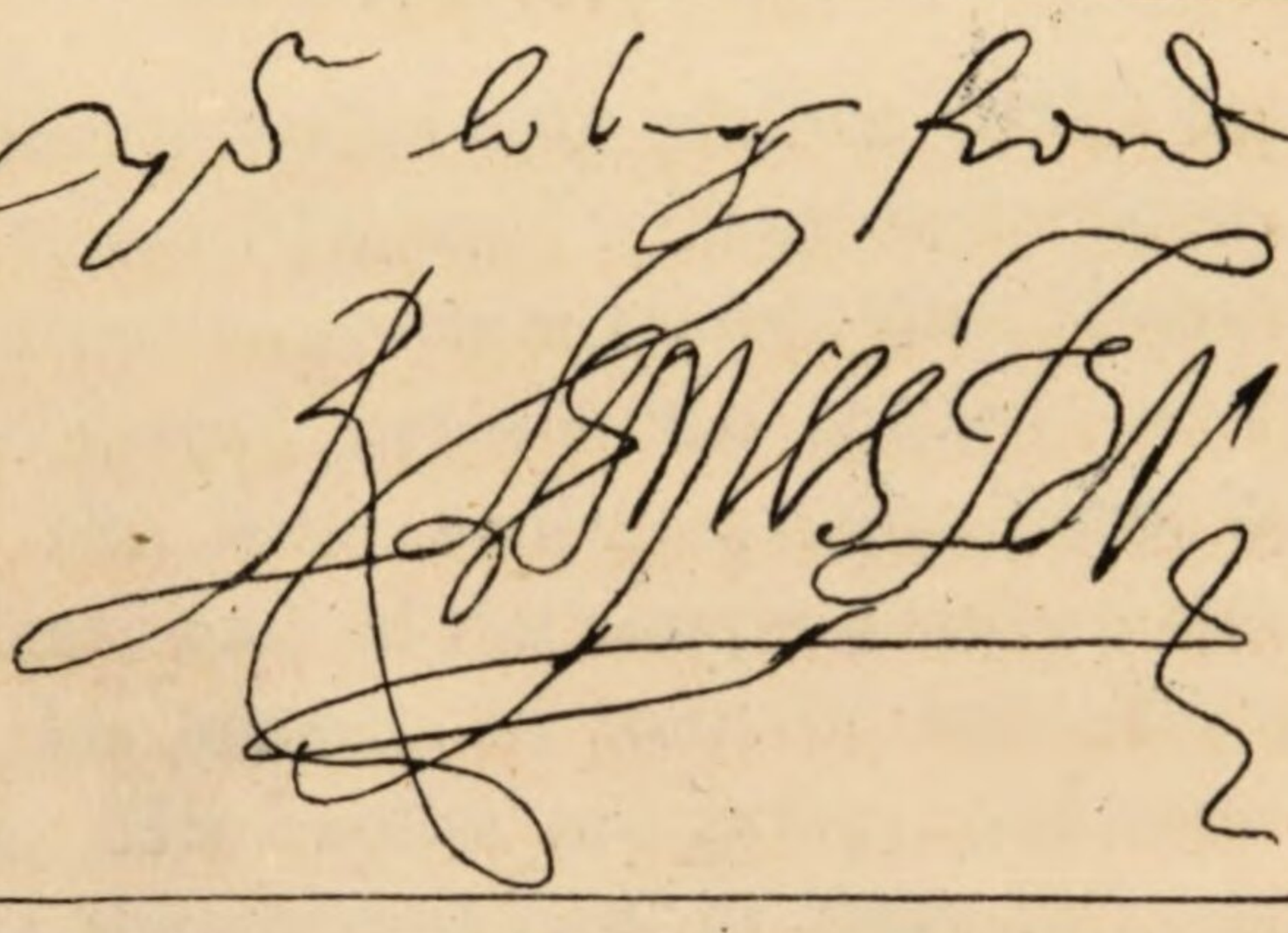
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* Hardwicke's State Papers, vol. II. No. XVIII. p. 298.

† Harl. MSS. 285.

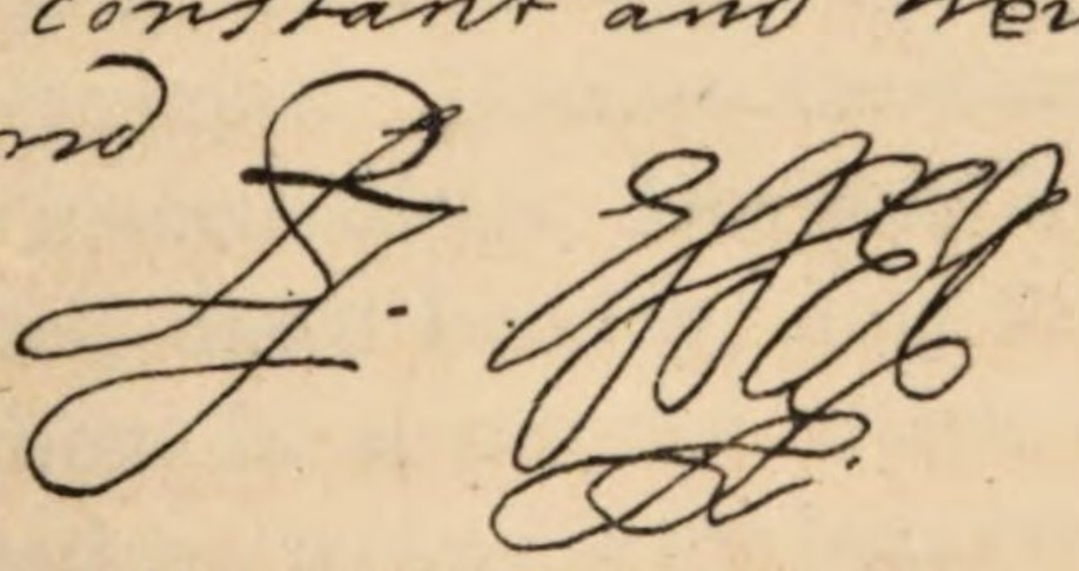
‡ Harl. MSS. 285 f. 230. It is printed in Hardwicke's State Papers, vol. I. p. 320; and Kippis, in his Biographia Britannica, article, "Earl of Leicester," makes the following pertinent comments on it. "One of Lord Leicester's Letters to Davison

P. 26.



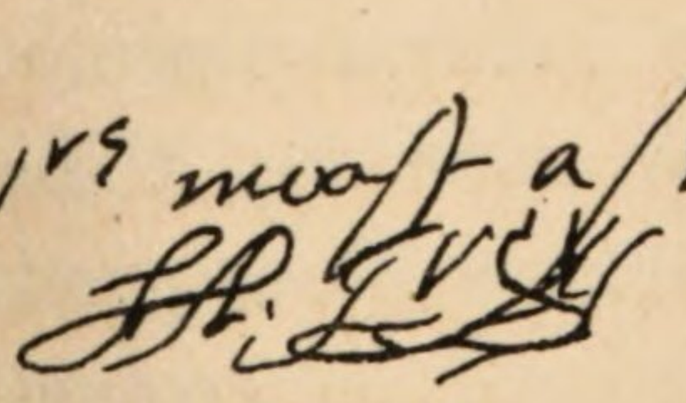
P. 183.

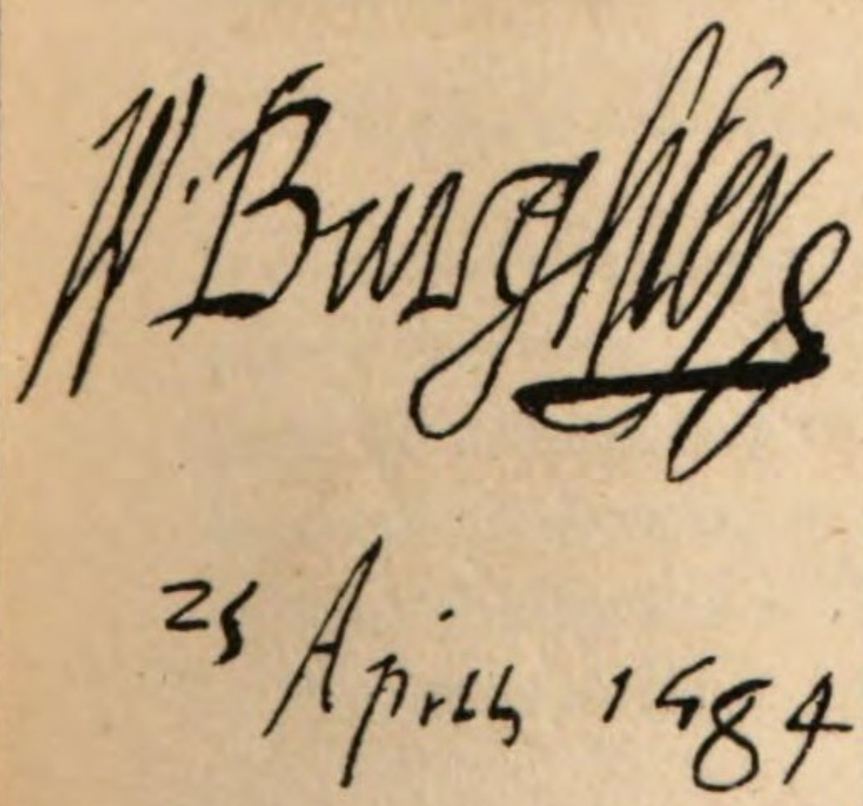
Y^r constant and true
friend



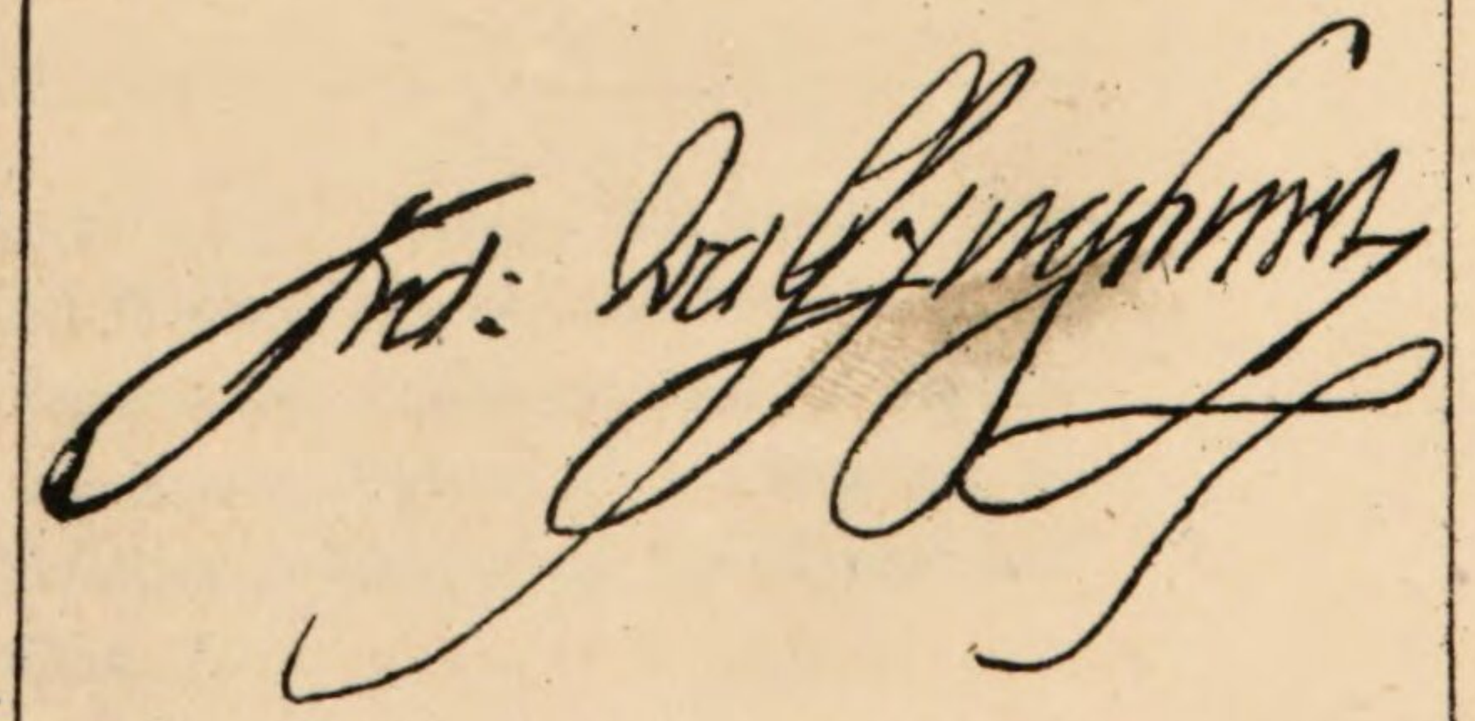
P. 175.

Y^rs most a[ffectionate],





25 April 1484



R. Martin, Lithog.

him " of not sufficiently setting forth his reasons to her Majesty." That these accusations arose more from temper than justice may be proved beyond the shadow of a doubt; the letter which contains them is still extant, and in the margin Davison has written his answers to each of Leicester's charges. His replies are pithy, and convincing; the greatest part of them he positively denies, and the others he most satisfactorily explains. Besides these answers to Leicester's accusations, Davison, in a letter to the Earl, dated London, July 2, 1586, * refutes them in a manner which confirms their injustice: a copy of the letter from Lord Leicester, which from Davison's marginal notes is a curious article, would have been inserted had it not been already published; and the other proofs which exist, that Leicester's displeasure towards Davison was unmerited, render its being recopied unne-

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is extremely petulant, and strongly displays the haughty temper of the man. Nor did Davison deserve this treatment, for he evidently appears to have acted with great zeal in explaining, and vindicating to the Queen, Leicester's motives for accepting the dignity of Governor-general of the Low Countries."

* Cottonian MSS. Galba, C. ix.

cessary. If the conjecture is correct, that he was indebted to the Earl for his situation of Secretary of State, it is almost certain that his Lordship became convinced that his anger was undeserved, and that he was again assured of his fidelity and attachment. In thus attributing his appointment to that office, to a wish to serve him, Camden's opinion of the motives with which Davison was selected for it, is of course rejected, and the grounds for disputing it will be stated in a subsequent page.

The following letters * from the virtuous, and celebrated Sir Philip Sidney are inserted, because every memorial of so eminent an individual is of great interest; and the friendship and good opinion which it is evident from them he entertained for his relative, † are important testimonies of the estimation in which Davison was held by the most illustrious of his contemporaries. The second letter is peculiarly valuable from its expressing his regard for him in warmer terms than the preceding; and which, when contrasted with it, may be considered to have arisen

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* Harl. MSS. 285. † Vide Genealogical Table.

from Sydney's having, between the 19th of March, and the 24th of April, received proofs from Davison that the Earl of Leicester's suspicions were unfounded. The noble manner in which Sir Philip avows his having advised his uncle to the measures he adopted, and the simple, yet dignified style in which he declares his opinions, are strongly characteristic of the author of the "Arcadia."

"COUSIN,

"My Lord thinks great unkindness in you, being advertised from thence that you greatly disclaim from his defence, which now your absence from Court seems much to confirm;* but of your faith I will make no doubt while I live, only I think you answered not the point of her Majesty's mislike, for you answered only upon the necessity, but should have argued withal upon the nature, which is not absolute as her Majesty took it. Well, a great blow is stricken, things went

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* In Davison's Letter to Mr. Herle, dated 17th of the preceding month, he states that he was preparing to go to the Bath about the middle of the next month. Vide p. 22.

on beyond expectation, I doubt me, hardly to be redrest. And so I commit you to God, my good Cousin, with hearty commendations to my Cousin your wife. At Amsterdam, this 19th March, 1586.

"Your loving Cousin,

"PH. SIDNEY."

"*To my especial good Cousin Mr. Davison.*

"COUSIN,

"I am heartily sorry with the unkindness you conceive of my Lord, and more at the cause thereof. I know by letters thence, and some speeches here, that he was much incensed because he had heard that you had utterly, and with tears, disclaimed him with mislike of the acceptance, but I did never think he had written touching, you into England. For my part I will for no cause deny (and, therefore, you shall have my hand-writing to prove I am no accuser of you) that I was ever of opinion he should accept it without delay, because of the necessity, without sending to her Majesty because of not forcing her in a manner to be further engaged than she would, which had

And so I commit
you & good my good cosin wth
hartie & menduc ons & my cosin
yor wyfe. At Hns Newda
this 19 of March - 1580
Your Loving cosin
J. Lidner

been a piece of an undutiful dutifulness. The odds was, that some others were of opinion the authority was not increasing; you liked of this, as it is, and I only lent to your opinion therein. Well Cousin, these mistakings sometimes breed hard effects, but I know he in his judgment loves you very well, howsoever in his passion he have written, and so I end, assuring you that I am still one towards you, as one that know you, and therefore love you. Commend me to my Cousin, and God preserve you both. At Flushing, this 14th April [1586].

"Your most loving Cousin,

"PH. SIDNEY."

"*To my especial good Friend and Cousin Mr. Davison.*

"GOOD COUSIN,

"The long practice of Graveling which was brought unto us, is proved a flat treason, I think even in them that dealt with us. The circumstances I leave to Burnet, who yet thinks better of the practisers than I do; for yourself Cousin, assure yourself any way that I can testify my assured friendship towards you I will: ground upon it for

I will not fail you; and so I leave you to God's blessed protection. At Flushing, this 20th July, 1586.

"Your loving friend and Cousin,

"PH. SIDNEY."

Mr. Davison's conduct as her Majesty's Ambassador to the States of Holland, added very considerably to the reputation he had already acquired. The negociation with which he was entrusted has been considered one of the most intricate, and difficult transactions of Elizabeth's reign: but he had, as it has been already observed, the extraordinary good fortune to render an important service to his own country, by obtaining ample security for the expences it had occurred in aiding the Low Countries against Spain; whilst, by his urbanity and address, he conciliated the esteem of the States, and received their strongest acknowledgments. * Soon after his return to England, he was declared a member of her Majesty's most honourable Privy Council, and in the autumn of the same year appointed one of her principal Secretaries of State.

* Biographia Britannica.

It is certain that Davison held this office in the beginning of October 1586, as he is described as one of her Majesty's principal Secretaries in the Commission for the trial of the Queen of Scots, which was issued early in that month; but the warrant for his appointment, a copy of which is preserved,* was not issued until the December following. It is dated at Westminster, December 12, anno regni 29 [1586]. The preamble recites that, "De fidelitate, industriâ, prudentiâ, experientiâ, et pro aliis virtutibus egregiis dilecti et fidelis consiliarii nostri Guilliami Davison, *Armigeris*," her Majesty had been pleased to create him one of her principal Secretaries, and an annual salary of £.100, to be paid twice a year, is assigned him.

Davison had now attained the meridian of his fortunes, and although his approach to power had been slow and progressive, his fall was precipitate and fatal. The motives with which he was selected for so confidential a situation having been commented on, it is necessary to devote a few pages to examine them.

* Cotton. MSS. Vespasian, C. xiv. f. 539.

It is the opinion of Camden, * and which has met with general acceptation, that Davison was appointed Secretary of State solely to be made the instrument of the death of the Queen of Scots, and then to be sacrificed to Elizabeth's selfish policy of persuading the world, that that event was without her knowledge, and against her inclination. This opinion, however, is not only unsupported by one single argument, but every probability is strongly against it. Davison was not a man who was suddenly fixed on to take a part in the affairs of state, destitute of patronage and connection, and without reputation or experience;† twenty years had elapsed since his first appearance in public life, during which period he had filled several important diplomatic situations, and had always been employed on those which required peculiar management and ability; his conduct had secured to him a high reputation for fidelity, zeal, and integrity; and the complete success which

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* Annals of Elizabeth.

† In the Preamble to the Warrant for creating Davison Secretary of State, his *experience* is stated as one of the causes of his appointment.

attended each of his missions, is sufficient evidence of his talents, and address. He was, as has been shewn, the relative, as well as the friend of the potent Earl of Leicester, who, if the virtuous Sir Philip Sydney may be believed, notwithstanding his transient displeasure, entertained a sincere regard for him; he was also connected with the Lord Treasurer Burleigh, and when the cloud first burst on the unfortunate Secretary, he bore testimony to his superior merits. The Earl of Essex was also a warm friend to Mr. Davison, and his friendship was perhaps, more sincere than that professed by the others, because it was manifested in his misfortunes; and so far as we can judge by the absence of all proof to the contrary, was unweakened by any interruption. With these facts to guide our judgment, can the appointment of Davison appear so extraordinary, as to oblige us to impute it to a premeditated scheme, which was to end in his disgrace and ruin? Is it probable, if the plan had really been laid, that the death of Queen Mary should be imputed to one of Elizabeth's ministers, whose fortune and fame

were in consequence to be immolated, that a man allied by marriage to some of the most powerful personages in the Queen's Council, would have been selected? Notwithstanding the vices imputed to Leicester, and the deep policy ascribed to Burleigh, is it likely that they would have CHOSEN their victim from their friends and kindred? But without dwelling on the family connection between these individuals, as grounds for dissenting from Camden's conjecture, there are other reasons of some weight for thinking that Davison's appointment was totally uninfluenced by any sinister motive. About the period at which he came into office, it was determined to bring the Queen of Scots to trial, and the additional business which must have been expected from that affair, was a sufficient reason for creating another Secretary of State.

Davison had then just returned from an embassy which he had concluded perfectly to Elizabeth's satisfaction; his zeal rendered him peculiarly eligible for the proposed situation; and the nature of his talents, which combined considerable prudence, with great

political sagacity, particularly fitted him to advise on the delicate and important business then in agitation. If Burleigh, and the rest of the Ministers, had intended to render the person who was to be appointed to that office the tool of a State intrigue, would they not have chosen a man whose integrity was flexible, and whose easy nature was incapable of resisting the wishes of others? They must have known that the persuasions of Elizabeth, the example of Leicester, and of the majority of the most distinguished personages in the kingdom, could not induce him to subscribe to the bond of association. * The reasons which caused him to refuse, he probably assigned in writing, as they still exist in his own manuscript. † Upon what possible basis then could the Ministers of the Queen have built their expectations, that he would become the instrument of their projects? His talents and prudence had often been exhibited, and were generally admitted; they could not consequently have founded any such hopes upon his

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* Cottonian MSS. Calig. C. ix. f. 470, 471. Printed in the Appendix to Robertson's History of Scotland.

† Harl. MSS. 290, f. 154.

weakness or ductility. They must have seen that even the solicitations of Majesty itself could not induce him to do what his conscience disapproved; hence he was not likely to be worked upon by any thing which they could offer. His general character, too, must have taught them that he would prefer poverty and obscurity to rank or power, if the latter were to be purchased by the commission of any act which could possibly cast a stain upon a reputation that had always been pure and unspotted. But besides all these considerations, Elizabeth told the Earl of Essex that she had herself selected him for that situation, and she appeared to take credit for her discernment, in appreciating his capability for the duties of it. Hence there are sufficient reasons for the decided belief that Davison's appointment as Secretary of State was the natural consequence of his services, talents, and connections, without there being the slightest intention of making him the agent of Mary's execution, or of his own misfortunes.

The commission for the trial of the Queen of Scots was dated on the 6th of October, 1586, and was addressed to the following

distinguished characters;" the Archbishop of Canterbury; the Lord Chancellor; the Lord Treasurer; the Marquis of Winchester; the Earl of Oxford, Great Chamberlain of England; the Earl of Shrewsbury, Earl Marshal; the Earl of Kent; the Earl of Derby; the Earl of Worcester; the Earl of Rutland; the Earl of Warwick, Master of the Ordnance; the Earl of Pembroke; the Earl of Leicester, Master of the Horse; the Earl of Lincoln; the Viscount Montague; the Lord Howard, Great Admiral of England; the Lord Hunsdon, our Lord Chamberlain; the Lord Abergavenny; the Lord Zouch; the Lord Morley; the Lord Cobham, Lord Warden of the Cinque-ports; the Lord Stafford; the Lord Grey of Wilton; the Lord Lumley; the Lord Stourton; the Lord Sandes; the Lord Wentworth; the Lord Mordaunt; the Lord St. John of Bletshoe; the Lord Buckhurst; the Lord Compton; the Lord Cheney; Sir Francis Knolles, Treasurer of the Household; Sir James Crofts, Comptroller of the Household; Sir Christopher Hatton, Vice-Chamberlain; Sir Francis Walsingham, one of our Principal Secretaries, and another of our Privy Coun-

cil; ‘ and also to our trusty and beloved William Davison, Esquire, another of our Principal Secretaries, and of our Privy Council;’ Sir Ralph Sadler, Chancellor of the Duchy of Lancaster; Sir Walter Mildmay, Chancellor of the Exchequer; Sir Amias Paulet, Captain of the Isle of Jersey; John Wolley, Esq. our Secretary for the Latin Tongue, and a Privy Councillor; Sir Christopher Wray, Chief Justice of the Pleas; Sir Edmund Anderson, Chief Justice of the Queen’s Bench; Sir Roger Manwood, Chief Baron of the Exchequer; Sir Thomas Gawdy, one of the Justices of the Pleas; and William Periam, one of our Justices of the Bench.”

There are three letters extant from Davison on the subject of the trial of the Queen of Scots, and as every document connected with that event is of the highest interest, the following extracts have been made from them.

In the first, to Sir Francis Walsingham, dated at the Court, October 4th, 1586, he tells him, * that he has submitted his letter, with one from the Lord Treasurer, to her

* Harleian MSS. 290, fo. 174.

Majesty, who, " for the point of renewing the commission, alloweth of his Lordship's discretion, though she thinks it a ceremony needless in respect of adding the names of Mr. Wolley and myself; which, she saith, is more than the words of the Statute * doth exact; but because the Judges do think it fit, she is content it passeth so. Of the style of the Scotch Queen her Majesty is likewise pleased, that the words mentioned in my Lord Treasurer's letter com'uniter *vocata*, or, *appellata* Regina Scottorum, be inserted in the said Commission, if by his Lordship, your honour, and her learned Council, it be found expedient." He adds, that her Majesty wished the Parliament to be prorogued for some days longer, if the Treasurer, and himself (Walsingham), to whose judgment she referred it, thought it convenient; and she desired that, for the ceremony of adjourning it, a commission should be sent her, smiliar to a precedent in the first year of her reign; and concluded by informing him that Tirrell's letter was " very pleasing to her Highness, both for its style and

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* Passed 23d Nov. 27 Elizabeth, anno 1584.

affection, of which she conceiveth well, and hath commanded him to signify to the Lord Treasurer, and your honour, that whatever course they take with him she will allow."

From this letter it is manifest that it was not originally intended that Davison should have been one of the Commissioners for the trial of Mary, and that it was only the representation of the Judges, of the necessity of complying strictly with the Act of Parliament, which required that all the Privy Council should be included in the Commission, that his name was inserted. This gives additional strength to the opinion that he was not brought into the ministry with the views which Camden has ascribed.

The second letter, which is from Mr. Davison to Lord Burleigh, dated at the Court at Windsor, 5th October, 1586, * affords an example of Elizabeth's tenacity of opinion.

It acquaints his Lordship that he had communicated his letter to the Queen, but that notwithstanding all he could allege, she had deferred signing either Commission

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* Harleian MSS. 290. f. 176.

till she heard again from him; that her Majesty thought it best to adjourn Parliament, both for the certainty of the Lords return, and for the better considering of the course to be taken on their reports; that she had postponed it until Monday, the last of the month, "which is the nearest I can yet bring her to, unless your Lordship's particular advice to her do help it." He then states that the Queen had taken some exceptions to the wording of the description of Mary in the Commission; the words were, "Tam per Maria' filiam et hæredem Jacobi quinti nuper Scotoru' Regis ac communiter vocatam Reginam Scotoru' et dotare Franciæ;" and Elizabeth wished them changed to, "Tam per Maria' filiam, &c. nuper Scotoru' Regis et dotare Franciæ communiter vocata Regina' Scotoru';" and Davison adds, "that all he could urge of his Lordship's having it sent in such form as was advisable in law, the opinion of the Judges, and the special words of Mr. Attorney, was to little purpose, till she heard further from his Lordship, to whom he had dispatched an especial messenger; and he concludes by praying his speedy answer.

The Commissioners appointed to try Mary left London before the 8th of October; for on that day Davison wrote to Burleigh a long letter * acquainting him, that as her Majesty thought the Queen of Scots might wish to have a private conference with his Lordship, and some others of the Council, and as he had no express directions how to act in case of such request, he was directed to enclose a letter † directed to him, and Mr. Secretary Walsingham only, for their guidance; and submits three points for their judgment: "1st, Whether it be expedient to send at the first, some two or three of her said Council, to signify to the Scottish Queen her Highness' pleasure for the proceeding with her, and deliver her letters, or to commit it only to Sir Amias Paulet, in whose custody she remaineth. 2dly, Whether, in case she desire her servants Naw, Curle, and Parker, personally to testify those things they have here confessed against her, your Lordship shall think it ne-

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* Harl. MSS. 290, fo. 180.

† Ibid. fo. 179. This Letter authorized Burleigh in case of such a request to accede to it. It also refers to the same point relative to Naw, Curle, &c. as is stated in the above.

cessary to have them present, though in her own opinion it seems a matter needless. 3dly, That as her Majesty had heard that many private men are gone towards Fotheringhay to observe the course of proceedings there, among whom were some bad and dangerous instruments, whose ill offices, at such a time and place, might yield some harm to her service, she submits it to their opinion (the Treasurer and Walsingham) whether they shall think it best, under such circumstances, to have it so public as every man may hear, or that such only be admitted as be Commissioners, with such other of her servants, &c. as were appointed to attend upon them." He encloses the Privy Seal for the £.1000,* which he had orders to employ as his "Lordship knew," and requests him, upon receipt thereof, to return some order by the bearer to Mr. Peters, to see it paid to such one as he should appoint to receive it: he then informs the Treasurer that Digby had been examined by the Lords Ad-

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* Thus noticed in Lord Burleigh's Notes, "October, 1586. The sum of £.1000 delivered to Mr. Davison, one of the Principal Secretaries."

miral and Chamberlain, * and confronted with his accuser, "whose report he confesseth true, in the point of his reconcilement and conversation with Morgan, Charles Pagett, &c.; but in the chief point † confesseth nothing;" and that he is now, by order from their Lordships, committed to the Tower for further trial. He also acquaints his Lordship that he had just seen "a Dutchman, newly come from Paris, who was familiar with the Queen mother, her jeweller, who adviseth her Majesty to beware of one that will present her a petition on her way to chapel, or walking abroad, without specifying other particulars," and suggests to the Treasurer to write to the Queen, "to pray her to be more circumspect of her person, and spare to shew herself publicly, than she is, till the brunt of the business now in hand be well overblown." He goes on to state the "pre-

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* It is consequently evident that these Officers did not attend the Trial of the Queen of Scots, which agrees with Camden's account.

† Which, from an interlineation in Davison's hand, appears to have been the attempt against Elizabeth's life; the passage is somewhat obscure from its having been corrected to make it more grammatical.

sumption" of the French Ambassador, who had interfered relative to the Queen of Scots' trial, and repeats the answer which the Lord Chamberlain, by Elizabeth's orders, gave verbally to the Ambassador's Secretary: which is very strong, and full of resentment at his "presumption in attempting to school her in her actions," and expresses her doubts whether he was so instructed by his master; and Davison thus concludes his letter; "and so being specially commanded by her Majesty to signify to you both, how greatly she doth long to hear how her *Spirite* and *Moon* * do find themselves after so foul and wearisome a journey, † I do here, with remembrance of my duty, most humbly and in haste take my leave; at the Court at Windsor, this 8th of October, 1586:" and in a postscript he adds "her Majesty is very desirous your Lordship should let my Lord of Shrewesburie and my Lord of War-

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* Were these Elizabeth's familiar appellations for Burleigh and Walsingham?

† The importance which it is evident was then attached to a journey of about 80 miles, forms a singular contrast to the estimation in which that distance is now held.

wick understand, that she is in great desire to hear how they have passed their long and weary journey."

The Commissioners for the trial of the unhappy Mary assembled at Fotheringay on the 11th of October, but their proceedings have been so frequently published, and have given rise to so many comments, that it would be a work of supererogation to repeat them here. Mr. Davison, however, certainly did not attend, * and it has been attributed to his influence and advice, † that the sentence on the Queen of Scots was not immediately pronounced. Elizabeth's commands on that point were expressed in the following letter. ‡

"ELIZABETH, R.

"Right trusty and right well-beloved Counsellors, we greet you well; whereas, by your letters received this evening, we

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* Vide the List of the Commissioners who attended, as given by Camden in his Annals of Elizabeth, p. 353; and Saunderson's Life of Mary Queen of Scots, p. 114. See also Appendix D, from Cottonian MSS. Caligula, C. ix. f. 471.

† Vide Appendix D.

‡ Harl. MSS. 290. f. 180.

find that the Scottish Queen doth absolutely refuse to submit herself to trial, or make any answer to such things as by you, and the rest of our Commissioners there, she is to be charged with; and that notwithstanding you are determined to proceed to sentence against her, according to our commission given you in that behalf, we have thought good hereby to let you understand, that albeit upon the examination and trial of the cause, you shall by verdict find the Scottish Queen guilty of the crimes wherewith she standeth charged, and that you might accordingly proceed to the sentence against her; yet we do find it meet, and such is our pleasure, that you nevertheless forbear the pronouncing thereof, until such time as you shall have made your personal return to our presence, and report to us of your proceedings and opinions in that behalf; or, otherwise, if you find it may prejudge your principal commission, or hinder our service, to advertise us thereof accordingly, and abide there our further answer. And these our letters shall herein be to you, and the rest of our said Commissioners there,

our sufficient warrant and discharge, 7th of October, 1586."

On the 25th of October the Commissioners met at the Star Chamber at Westminster, and pronounced sentence on the miserable Mary, which they confirmed by their seals and subscriptions. Camden states,* that all the Commissioners attended on that occasion, excepting the Earls of Shrewsbury and Warwick, who were ill, and Sir Amias Paulet; but this is not quite correct, for neither the Earl of Leicester, † nor Mr. Davison were present; but as they were both absent at the trial, it is perhaps meant that all the Commissioners who were at Fotheringay also attended, when the sentence was announced: that Davison was absent on this occasion is apparent from his own statement, in which he says, that "he was no party in signing the sentence passed against her." ‡

On the 29th of the same month Parliament met, and on the 12th of November

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* Annals of Elizabeth, p. 353.

† Kippis, Biog. Britan. article "Dudley Earl of Leicester."

‡ Appendix D.

both Houses addressed the Queen, soliciting the execution of the sentence passed against the Queen of Scots. Mr. Serjeant Puckering, the Speaker, in the name of the Commons, after relating the conduct of Mary towards her, pointed out the dangerous consequences of sparing her life, and urged their request by the example of God's displeasure on Saul for saving king Agag, and on Achab for preserving Benadab; he then stated their reliance upon her princely resolution, and concluded with the following passage in favour of their petition, "which we assure ourselves will be to God most acceptable, and to us no other than the state of your regal authority, and the approved arguments of your tender care for our safety under your charge, doth promise to our expectation."*

In her Majesty's reply, she expressed her gratitude for the special care which providence had taken of her, and then told them "that although she finds her life had been endangered from the Queen of Scots' machina-

* Holinshed's Chronicle, v. II. p. 1580.

tions, yet that she is so devoid of malice, that she laments one of the same sex, state, and her nearest relation, should commit so grievous a crime; that she had so little intention of evincing revenge towards her, as secretly to write her, assuring her that if she would privately confess her treasons she should never be publicly questioned concerning them; that even now, although she had been convicted of treason, if she thought she would repent or that her emissaries would not pursue their designs; or, if they were two milk-maids with pails upon their arms, and that it was merely a question which involved her own life, and did not endanger their religion and welfare, she protested she would most willingly pardon her offences; that if by her own death any advantage would accrue to the kingdom, she declared she would willingly die, having nothing worth living for." After some observations relative to her willingness to quit the world, she reproaches the House for their "frequently standing more upon syllables than sense of the law, and upon form than matter." She then informed them "that the

Act of Parliament had brought her into a great strait, by obliging her to give directions for her kinswoman's death, which was to her a most grievous and irksome burthen; that she had absented herself from that Parliament not from any personal fear, but from her great dislike to hear this cause spoken of, especially because one of such state and kindred should need so open a declaration; that she will tell them a secret, that she lately saw it written that an oath was taken, within a few days, either to kill her, or be hanged themselves; that she is not unmindful of their oath of association, which she considered a proof of their affections; but that for this matter, as it was rare, weighty, and of great consequence, they must not look for any present resolution; that it is not her manner, even in things of less moment to give a hasty answer, and that in this she thinks it requisite with earnest prayer to beseech the divine Majesty so to illuminate her understanding, and to inspire her with his grace to do and determine that which shall serve to the establishment of his church, preservation of their

estates, and prosperity of this commonwealth under her charge, wherein, as she knows delays are dangerous, they shall with all convenience have her resolution;" and finished her reply with a gracious promise to requite their many deserts, by governing them with strict justice and impartiality.

A few days afterwards Elizabeth sent a message to the Lords and Commons, and in the mean time she pretended to have been deliberating with herself, and to have had a great conflict with her *merciful nature* what to determine: in this communication she earnestly charged them to enter into further consideration, whether some other means might not be suggested than those which they had required.

The two houses had consequently several consultations, both in their respective houses, and by conferences between committees specially deputed from each. It was however unanimously agreed in both houses, that no other "sound and assured means" could be devised for the tranquillity of the realm, the security of their religion, and the safety

of her Majesty's person, than what was pointed out in their former petition, and which they again prayed her to adopt.

An address to this effect was presented on the 24th, and they received an answer containing more disgusting egotisms, and hypocritical assurances of being unwilling to comply with their request, than the former. She commenced her reply by informing them "that she had strove more that day than any in her life, whether she should speak or be silent; if she spoke and did not complain, she should dissemble; if she held her peace, their labour was vain; she protested such had been her greedy desire and hungry will, that their consultations might have devised some other means to ensure her safety, that she told them she must complain, though not *of* them, but *unto* them, and of the cause; for that she perceived by their advice, prayers, and desires, that only her injurer's bane must be her life's surety; that if there be any so wicked who supposed that she prolonged this time only to make a shew of clemency, they did her so great a wrong as they could hardly

recompence; that if her ministers had not signified to them that it was her earnest desire that every one should act in that matter strictly according to his conscience, they had not done their duty; and that her conduct arose solely from her anxiety that some other means might be found wherein she might have taken more comfort;" that "since now it was resolved that her surety could not be established without a princess' end, she has just cause to complain, that she, who had pardoned so many rebels, winked at so many treasons, should now be obliged to this proceeding against such a person; that many opprobrious books and pamphlets had been published against her accusing her of being a tyrant. She thanked them for the news, for such indeed it was to her—what would they now say, that for the safety of her life, a maiden queen could be content to spill the blood even of her own kinswoman; that she may well complain that any man should think her given to cruelty, of which she is so guiltless and innocent, that she should slander God if she should say he gave her so

vile a mind; she protested she was so far from it, that for her own life she would not touch her, neither had she so much cared how to prolong her own, as how to preserve both, which she is right sorry is made so hard, yea, so impossible; that she is not so destitute of judgment as not to see her own peril, nor so ignorant as not to know that it were a foolish course to cherish a sword to cut her own throat, nor so careless as not to weigh that her life is in daily hazard; but this she considers, that many a man would put his life in danger for the safeguard of a king; she does not say that so she will, but prays them to believe, that she hath thought upon it; but since so many had written and spoken against her, she must say something for herself, that before they return to their counties they may know for what a one they have passed so careful thoughts, wherein she is infinitely beholden to them who seek to preserve her life by all means in their power;" and expressed her gratitude for it. She then told them that when first she took the sceptre she did not forget the giver of it,

and therefore began her reign with the religion she was born and hoped to die in; that she was not so simple but to know what danger and peril so great an alteration might procure her, and how many great princes of a contrary opinion would attempt all they could against her, and generally, what enmity she should breed unto herself; but all this she minded not, knowing that he for whose sake she did it, would defend her, for which she had been so dangerously prosecuted, that she marvelled that she existed. Her Majesty then alluded to the necessity of a sovereign's possessing justice, temperance, magnanimity, and judgment. Of the two last, she observed, "her sex did not permit her to boast; but for the two first, she dared to say that she never knew a difference of person where right was one, nor ever preferred for favor whom she thought not fit for worth; that she had always acted with impartiality, nor ever adopted a sudden resolution in matters which nearly affected her, and this she thinks they will say with her; and, as touching their counsels, she thinks them wise, honest, and conscien-

tious, and so provident and careful of her life (which she wished no longer than might be for their benefit), that though she could never sufficiently recompence them, yet she would endeavour to give them cause to think their good intentions not ill bestowed, and would strive to make herself worthy of such subjects; that for their petition, she prayed them, for this present, to content themselves with an answer without an answer; their judgment she condemned not, neither did she mistake their motives, but begged them to accept her thankfulness, excuse her doubtfulness, and take in good part her answer answerless; wherein she attributes not so much to her own judgment, but that she thinks many persons may go before her, though by her degree she goes before them;" and concluded in the following ambiguous manner, "therefore, if I should say I would not do what you request, it might peradventure be more than I thought; and to say I would do it, might perhaps breed peril of that you labour to preserve, being more than in your own wisdoms and discretions would seem conve-

nient, circumstances of place and time being duly considered." *

These communications of Elizabeth to her parliament, which are no less curious than important, are strongly characterized by cunning and dissimulation; if they do not confirm, they afford no contradiction to the opinion that the reluctance which she expressed to carry the sentence against Mary into execution was entirely feigned, for the purpose of removing from herself the obloquy which she knew would attend the death of that princess, and of persuading the world that she sacrificed her own personal feelings to the safety and welfare of her subjects. At the same time in which she assured the House of Commons of her merciful disposition towards her kinswoman, it is to be observed, that she gravely recapitulated the crimes imputed to her, and rather aggravated than softened their nature and object: after several eulogiums on her own magnanimity, she took care plainly to insinuate that Mary's existence was incompatible with

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* Holinshed's Chronicle, v. II. p. 1580, *et seq.*

the safety of their religion; and inflamed their animosity towards her rival by informing them of a new and determined plot against her own life. The motive of her writing to the Queen of Scots, advising her privately to confess her treasonable intentions, was in all probability an artifice to obtain her own admission of her guilt, and of which, perhaps, immediate advantage would have been taken; and she impiously appealed to Providence to guide her conduct, when there can barely be a doubt that her resolution had long been irrevocably fixed. In her reply to the second address from the Parliament, she anticipated the opinion which posterity has formed, that her clemency was fictitious, and that it was not only unfelt, but the result of a cold and selfish policy; and so far did she carry her hypocrisy, that she did not even then think it proper positively to grant their petition, but left them in uncertainty what might be her final determination. Her assurance that she had ordered her ministers to instruct them to act according to the dictates of their consciences, renders it likely that she thought a *permission* to that effect was ne-

cessary; but the disposition which the parliaments of Elizabeth generally shewed to make her will the guide of their proceedings, might in some degree induce us to consider their repeated requests that she would complete the sentence passed on the ill-fated Mary, as presumptive evidence of their being well aware that their petitions were consonant to her inclination; and this fact is also apparent from the peculiarly gracious manner in which she received them, and the praises which she lavished on their conduct.

In her second answer there is a singular expression, which is worthy of remark; after informing them that she is aware of the danger in which her life is placed, she says, "but this she considers, that *many a man* would *put his life* in *danger* for *the safeguard of a king; she* does not say so *she will*, but prays them to believe that *she hath thought upon it.*" There is great difficulty in determining the exact import of this assertion; but when it is compared with the preceding passages, it may without violence be thought a distant allusion to the

wish, which she afterwards more fully expressed, that Mary might be privately put to death, in order to conceal her agency in that event. If Elizabeth had been sincere in the disposition which she expressed to save her rival's life, would she not have represented her conduct in the most favourable view, have concealed the plot she had discovered, and used every argument to convince her parliament that no necessity existed for so fatal a measure? We have seen how perfectly opposite was the conduct she pursued; and hence it is hardly possible to attribute any other motive to her, than that she was desirous of hiding the real disposition of her heart, under the mask of sacrificing her own humane feelings to those of the purest patriotism.

The sentence against the Queen of Scots was not, however, published until the 21st of December, when it was proclaimed with great state and solemnity. The lord mayor, attended by several noblemen, together with the aldermen and principal officers of the city, the majority of the gentry in the neighbourhood, and about eighty citizens dressed in velvet, and wearing gold chains, all on

horseback, assembled at about 10 o'clock in the forenoon, when the sentence was publicly read by Mr. Sebright, the town clerk, at the cross in Cheapside, at the end of Chancery-lane opposite the Temple, at Leadenhall-corner, and at St. Magnus'-corner near London-bridge. Similar processions were formed in Middlesex, and, says one of our old chroniclers, "to the great and wonderful rejoicing of the people of all sorts, as manifestly appeared by their eager running after the portly train, their thronging to hear the sentence published, their ringing of bells, making bonfires, and singing of psalms in every street and lane of the city, &c." *

Immediately after the commissioners had pronounced sentence, Lord Buckhurst and Mr. Robert Beale, the clerk of the council, were sent to Mary, with instructions † to announce the publication of her sentence, and to inform her, "that as her Majesty

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* Holinshed's Chronicle, v. II. p. 1587; and in the following page the proclamation is given at length; a copy is also in Cottonian MSS. Calig. C. ix.; but it does not contain any thing sufficiently important to require its insertion in this work.

† Harl. MSS. 291, f. 187.

did not as yet know how it might please God to dispose her heart, she deemed it right to advise her to think of her former conduct, and to point out to her what especial favor had been shewn to her in her trial, by appointing many distinguished noblemen, and the whole of the privy council, to be her judges, instead of obliging her to appear before the ordinary courts, to the jurisdiction of which she was eligible:" and they were ordered, lastly, "in case they find her desirous to communicate with either of them in private, under a pretence of revealing any matter of secret and weight to be communicated to her Majesty, concerning either her or her service, she thinks it not amiss that they conform themselves to her desire in that behalf, and of which, if they find cause, to advise her before they return; which she referred to their own discretion." From the general style of these instructions it appears, that the real motive of their being dispatched, was to induce Mary to make that confession of her guilt, which Elizabeth had before attempted to procure, and which it was her most anxious wish to obtain. The life of the wretched Mary now rapidly ap-

proached its close, and the short delay which preceded its termination must be imputed to Elizabeth's desire of preserving still longer the appearance of reluctance; and perhaps to her expectation, that some of her courtiers would imitate those of Henry II. and employ the same means for removing the Queen of Scots as had been used on the celebrated Becket. In the interval between the publication of the sentence and its execution, the kings of France and Scotland sent ambassadors to solicit Elizabeth to spare Mary's life; the sincerity of Henry the Fourth's intercession has been questioned; * but it would be useless to inquire into the motives of conduct, which, whether feigned or real, was not productive of any result. James took as active a part in endeavouring to preserve his mother, as, from his habitual supineness and indolence, could have been expected: so soon as he was informed of her trial and condemnation, he sent Sir William Keith, a gentleman of his bedchamber to London; and afterwards dispatched the Master of

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* Hume's England, v. V. p. 304.

Gray, and Sir Robert Melvill, to repeat the remonstrances of Keith: he also wrote with his own hand to Douglas, commanding him to use his utmost influence in her favor; and on learning that the sentence was published, he addressed Elizabeth herself, in a long and urgent strain of entreaty.

The subjoined literal copies of these letters were made from the originals, and they are so interesting, that their insertion can scarcely require an apology.

To Maister Archibald Douglas.

October 1586.

Reserve up youreself na langer in the earnist dealing for my mother, for ye have done it to long, and thinke not that any youre travells can do goode, if hir lyfe be taikin, for then adeu with my dealing with thaime that are the speciall instrumentis thairof, and thairfore gif ye look for the contineuance of my favoure touarcis you, spaire na painis nor plainnes in this cace, bot reid my lettir wrettin to william Keith, and conforme youreself quhollie to the contentis thairof, & in this requeist lett me reape the fruictis of

youre great credit thaire, ather now or never, fairwell.

JAMES R. *

" A Madame ma tres chere sœur et cousine la royne d'angleterre.

" Madame, and dearest sister, if ye coulde have knouin quhat divers thochtis have agitat my mynde since my directing of William Keith unto you, for the sollisting of this matter quhairto nature and honor so greatly and unfeynedly bindis and obleissis me; If, I say, ye kneu quhat dyvers thochtis I have bene in, and quhat iust greif I hadd ueying deeply the thing itself, if so it should proceid, as godd forbidd, quhat eventis micht follou thairupon, quhat number of straitis I uold be drevin unto, &, amongst the rest, hou it micht perrell my reputation amongst my subiects if thaise thingis, I yett say againe, uayre knouin unto you, then doubt I not but ye wold so farr pittie my cace, as it wold easely mak you at the first to resolve your ouin [mind] best unto it. I doubt

* Cottonian MSS. Caligula, C ix. p. 432.

greatlie in quhat facon to writt in this purpois, for ye have allreaddie taken sa evill with my playnness, as I feare if I shall persist in that course ye shall rather be exasperattit to passionis in reading the wordis then by the plainness thairof be persuadit to consider richtlie the simple treuth, yett iustlie prefferring the deutie of ane honest freind to the suddaine passionis of one, quho hou soone they be past can uyslier uey, the reasonis then I can sett thaime doune. I have resolvid in feu uordis & plaine, to gif you freindly and best advyce, appealing to youre rypest judgement to discerne thairupon: quhat thing, Madame, can greatlier touche me in honoure that both is â kinge & a sonne, then that my nearest neihboure, being in straittest freindshipp with me, shall rigouruslie putt to death â free souveraigne prince, & my naturall mother, alyke in estaite and sexe to hir that so uses hir, albeit subiect, I grant, to a harder fortoune, and touching hir nearlie in proximitie of bloode; quhat law of godd can permitt that iustice shall strikke upon thaime quhom he hes appointid supreame dispensatouis of the same under him, quhom he hath callid god-

dis, &, thairfore, subiectid to the censoure of none in earth quhose anointing by godd cannot be defylid be man unrevenged by the authoure thairof, quho being supreme & immediatt lieutenantis of godd in heaven, cannot thairefoire be iudgit by thaire æquallis in earth; quat monstruouse thinge is it, that souveraigne princes thaimeselfis shoulde be the exemple giveris of thaire ouen sacred diademes prophaining, then quhat shoulde move you to this forme of proceiding (supposin the worst, quhiche in goode faith I looke not for at your handis), honoure or profeitt; honoure waire it to you to spaire quhen it is least lookid for; honoure waire it to you (quhich is not onlie my freindlie advyce but my earnist suite) to tak me & all other princes in europe eternally beholdin unto you, in granting this my so reasonable request, & not (appardon I pray you my free speaking) to putt princes to straittis of honoure, quhair throuch youre generall reputation & the universall (allmost) mislyking of you, may daingerouslie perrell both in honoure & utillitie your personne & estate: ye knou, Madame, uell aneuch hou small difference ci-

cero concludis to be betwixt utile & honestum in his discourse thairof, & quhiche of thaime oucht to be framed to the other; & nou, madame, to concluide, I pray you so to uey thir feu argumentis, that as I ever presumed of youre nature, so the quhole worlde may praise your subiectis for thair deutifull caire for your preservation, & youreself for youre princelie pittie, the doing quhairof onlie belangis unto you, the parforming quhairof onlie apparteynis unto you, & the praise thairof onlie will ever be youris: respect then goode sister, this my first so long contineuid & so earnist request, dispatching my ambassadouis with suche â comfortable ansoure as may become youre persone to give, & as my loving & honest hairt unto you meritis to ressave; but in kaice any do vaunt thaimeselfis to know further of my mynde in this matter, then my ambassadouis do, quho indeid are fullie aquentid thairwith. I pray you not to takk me to be a cameleon, but by the contrairie, thaime to be maliciouse imposteuris as suirlie thay are; & thus praying you hairtlie to excuse my to ruide & longsum lettir, I committ you, madame, & dearest sister, to

the blessid protection of the most hie, quho mott give you grace so to resolve in this maitter, as may be honorabill for you, & most acceptable to him: from my palleis of holirudhouse, the 26 day of Januarie, 1586. *

"Youre most loving & affectionate brother & cousin,

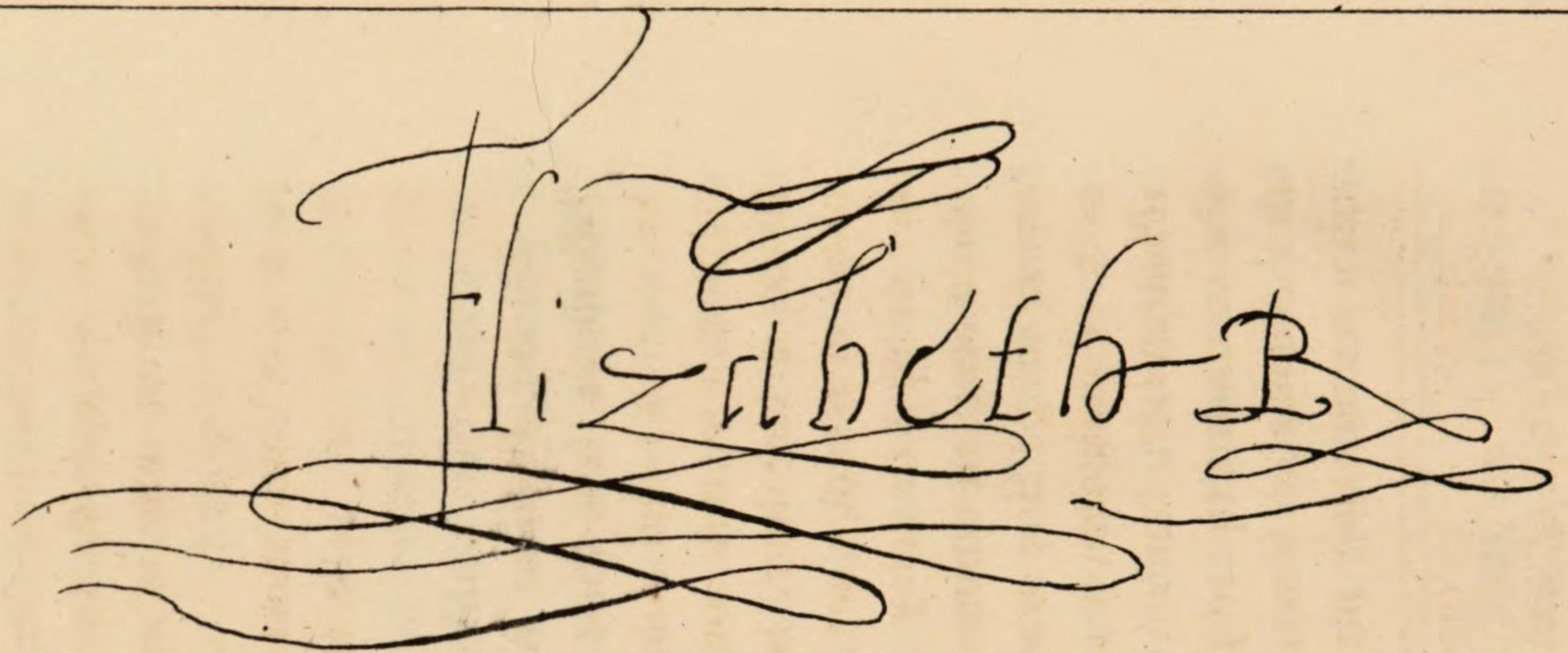
"JAMES R." †

By Sir William Keith, James wrote to Elizabeth, conjuring her to spare the life of his parent; and informing her, that if his request was not complied with, he should think it his duty, both towards God and man, to revenge her death; and beseeching her at least to delay the execution until he could send an ambassador with further propositions. ‡ She was seized with a transport of indignation at James presuming to threaten her, but on her passion subsiding, she conceded the respite he requested. On the Master of Gray, and Sir Robert Melvill's arrival, they proposed that their mas-

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* 1586-7. † Cottonian MSS. Caligula, C ix. p. 145, 146, 147.

‡ Smollett's England, v. VI. p. 371, 372.



Vobe bon bonne carry
marie

youre most louing & affectionatt
brother & cousin.
James R

R. Martin, Lithog.

ter should give the chief of his nobility as hostages to secure Elizabeth from any future attempts of his mother, who should resign her right of succession in favour of her son, and that this resignation should be guaranteed by foreign princes. These propositions were rejected with disdain:* and it is from her answers to them, that the strongest proof of her determined intention to carry the sentence passed on Mary into execution, and consequently of the odious hypocrisy of her assertions of clemency and sympathy, is derived; for, as it has been well observed, Elizabeth's dissimulation always failed her when she was petitioned in favour of the Queen of Scots, either by James or by foreign courts:† she then seemed firmly resolved to execute the sentence against her; but when her ministers or parliament prayed her not to delay it, her affectation of respect for the dignity, and of compassion for the misfortunes, of her prisoner, invariably returned.‡ To James's ambassadors she remarked, how sorry she was that no means

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* Smollett's England, v. VI. p. 371, 372. † Ibid. p. 372.

‡ Hume's England, v. V. p. 307.

could be found to save their King's mother, and secure her own life.*

In obedience to the imperative commands of their Sovereign, conveyed in his letter to Douglas, Melvill used plain and strong language in his remonstrances, and he thereby gave such offence to the Queen, that she threatened his life, and would have retained him a prisoner, had not the promises and influence of his colleague prevented it.† But Elizabeth's true disposition was still more strongly evinced by her reply to the Master of Gray, who in his letter to James, dated 12 January, 1586 [1586-7], giving a relation of the particulars of his audience, says, "and I spake craving of her that her life may be spared for *fifteen days;* she refused; Sir Robert craved for only *eight days;* she said, 'NOT FOR AN HOUR,' and so geid her away."‡

James, finding that the lofty tone which he had assumed only exasperated Elizabeth, as a last effort, wrote the preceding letter

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* Saunderson's Life of Mary Queen of Scots, p. 119.

† Memoirs of Sir James Melvill, ed. 1683, p. 173. Sir Robert Melvill, James's Ambassador, was a brother of the author.

‡ Robertson's Scotland, v. II. Appendix, p. 543.

to her, and substituted persuasion and entreaty, for remonstrance and menace; from the date of it, which was only six days before the warrant was signed, it could not have reached the Queen many hours before she resolved on Mary's immediate execution; and from the displeasure which she always exhibited when the King of Scots interfered on the subject, it is possible that his letter rather hastened, than retarded the fatal event.

The dispatch of the warrant for executing the Queen of Scots, formed that era in the life of William Davison, to which he owes his celebrity; but it was the cause of his loss of rank and fortune, and reduced him from a state of affluence to poverty and obscurity.

It was necessary to digress from what immediately related to Davison, for the purpose of forming an opinion of Elizabeth's real sentiments towards her rival, from her conduct to the Scotch ambassadors; because, that which she is supposed to have pursued about the document which deprived Mary of existence, rests on the evidence of Davison himself. The true feelings of her heart unquestionably shewed themselves in her answer to Melvill, and we need not

wish for more satisfactory proof of her intention to carry the sentence into execution. Before her Majesty had resolved on allowing the Queen of Scots to fall by the axe of the executioner, it is almost certain that it was deliberated in her cabinet, whether it was not preferable that she should perish by the hand of an assassin. Elizabeth's wishes were decidedly for the latter course, because it would remove the odium of Mary's death from herself, and have enabled her to sacrifice those who employed him, as a confirmation of her total ignorance of the transaction: her disposition was supported by the Earl of Leicester, who proposed to poison her, and it is said that he privately sent a divine to Sir Francis Walsingham to persuade him of the legality of the act.* Davison, to his eternal honour, opposed himself with uniform firmness to these propositions; and it is more than probable that his arguments caused the forms of law and justice to be followed, in concluding this tragical affair.

Leicester's conduct was extremely artful, but strongly inimical to Mary. He was not,

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* M'Kenzie's Lives of Scotch Writers, v. III. p. 334.

as it has been already observed, present, either at her trial, or when the sentence was pronounced, but so desirable was it considered that the world should be aware that he approved the proceedings against the Queen of Scots, that the applications from both Houses of Parliament to Elizabeth were printed in a letter addressed to him, and in this form they still exist. *

Walsingham at this time, perhaps from his knowledge of Elizabeth's duplicity, and his anticipation that the person who was officially employed in the conclusion of this proceeding would become a victim to her intrigue, withdrew from court, under the pretence of illness, and consequently the responsibility fell entirely on Davison.

Soon after Elizabeth had been petitioned by Parliament to carry the sentence passed on the Queen of Scots into execution, she ordered the Lord Treasurer to draw the warrant for that purpose; and on the morning after he obeyed her commands, he sent for Mr. Davison to his chambers at court, which was then at Richmond. On his ar-

* Holinshed's Chronicle, v. II. p. 1580.

rival he found Knollys, the Treasurer of the Household, with his Lordship. Burleigh then informed him that he had, in obedience to her Majesty's commands, drawn the warrant, and that, as he was shortly going to London, it was her pleasure that it should be left with him to get it engrossed; and that when this was done, he was to bring it to her for her signature; and it was accordingly delivered into Davison's hands. In consequence of these directions he presented it to Elizabeth, for that purpose, a few days afterwards, and requested to know her pleasure on the subject: she then refused to sign it, because the Scotch and French ambassadors were, at that time, interceding for Mary's life, and commanded him to reserve it till a more convenient season: he accordingly kept it by him five or six weeks without again offering it for her Majesty's signature; and for which Leicester, on one occasion, severely reprimanded him, in the presence of Burleigh, to whom Davison appeals for the truth of his assertion; and the Treasurer himself, a few days before it was signed, reproved him in Elizabeth's hearing for not having brought it up. Nothing far-

ther was done on the subject until Wednesday the first of February,* which was a few days after the departure of the Scotch ambassadors.† On that day Howard, the Lord High Admiral, had a private audience of the Queen, and on representing to her the great danger in which she lived, and being influenced by the rumours which were then afloat, that Mary had escaped, that the country was invaded, that London had been sacked and burnt, and that her Majesty herself was dead, and other reports of a similar seditious tendency, she resolved not to delay the execution; and therefore ordered Howard to send privately for Davison, to bring the warrant to her to sign.‡ Howard immediately dispatched a messenger, who found him in the Park; and he instantly repaired to the privy chamber, where his Lordship awaited his arrival. The Lord High Admiral then repeated the conversation which had passed between the Queen

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* Appendix B. copied from Harl. MSS. 290, f. 213.

† Appendix A. copied from Cottonian MSS. Titus, C vii. f. 48, and collated with Harl. MSS. 6369—290, f. 209, and Cottonian MSS. Caligula, C ix. f. 149.

‡ Appendix B. copied from Harl. MSS. 290, f. 213.

and himself, relative to the Queen of Scots' execution; and concluded by informing him that, in obedience to her commands, he was expressly sent for to bring the warrant for her signature, in order that it might be dispatched without farther delay. Davison immediately went to his apartment to fetch the warrant and some other papers, and on his return he sent to announce to the Queen that he was in attendance, and she shortly afterwards gave him an audience. She received him most graciously, enquired whether he had been out that fine morning, advised him to use more exercise, and evinced considerable interest in his health: she then asked him what he had in his hand, and when he informed her that it was different warrants and other things for her signature, her Majesty demanded if the Lord Admiral had not ordered him to bring up the warrant for the Queen of Scots' execution: * and on Davison's replying that he had spoken with his Lordship in the privy chamber, and understood from him that it was her pleasure that he should bring the warrant to her to

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* Appendix A.

sign, Elizabeth asked for it;* and immediately after reading it † called for pen and ink, signed it, and laid it down by her upon the mats, and explained to him that the motive which had induced her to delay it so long was her regard for her own reputation, ‡ that the world might perceive that however justly she felt provoked at Mary's offences, yet that if any other means could have been devised for the security of her own person and of the state, she would have felt extremely sorry to have taken such a course; and that it might appear she had not been induced "violently" to adopt this measure from any sentiment of malice or revenge towards the Queen of Scots. § Elizabeth then ironically demanded of Davison whether he was not extremely sorry to see the warrant signed? he replied, that he was far from feeling pleasure in the misfortunes of any one; and that, instead of wishing the death of the Scottish Queen, he could not be otherwise than sincerely grieved that a person of her rank and station, and

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* Appendix B. † Appendix A. ‡ Ibid.

§ Appendixes B. and C.

one so nearly related to her Majesty, should render so fatal a resolution necessary; but that, as his Sovereign's life was in danger so long as Mary lived, he thought every man must be of opinion that she could not defer the execution without manifest injustice to herself and to the whole realm; and consequently he could not feel sorry to see her adopt an honourable and just course for securing both; and that he preferred the death of the guilty rather than of the innocent. This answer the Queen appeared to approve, and, smiling, turned the subject by asking what else he had for her to sign; and on his presenting some other papers to her, she signed them, as he expresses it, "with the best disposition and willingness that might be." Elizabeth then directed him to take up the warrant, and carry it immediately to the great seal; and, from some suspicions she entertained of persons about the Lord Chancellor, as well as from her fears that if it was divulged before it was executed it might, "as she pretended," increase her danger, she cautioned him to seal it as privately as he could; and expressly commanded him to use dispatch, and to send

down the warrant to the Commissioners with all possible expedition; and, in conclusion, absolutely forbade him to trouble her again on the subject, or to let her hear any thing more about it until it was executed, as she had now done all that either in law or justice could be expected of her. Her Majesty also specially appointed the Hall at Fotheringay for the place of execution, and assigned many causes for disliking the Court-yard or Green of the Castle. In obedience to her orders to use dispatch, Davison offered to go to the Chancellor the same forenoon; but, as he had some other business to transact, she desired him not to go to him until the afternoon. On his way to his Lordship, Elizabeth directed him to call on Sir Francis Walsingham, who was then ill at his house in London, and to communicate to him what she had done, because, as she jestingly said, "the grief he would feel on learning it would nearly kill him outright." He then gathered up his papers, and was about to leave her, when she commenced a complaint against Sir Amias Paulet and others, who might, she remarked, have rendered her signing the war-

rant unnecessary; and expressed a wish that Davison and Walsingham would yet write, both to Paulet and to Sir Drue Drury, to sound their disposition as to privately dispatching the Queen of Scots. Davison, on her Majesty's former suggestions to that effect, had always refused to have any thing to do with such a measure; and he now assured her that it was a subject he utterly disliked, and that it would be merely labour lost to propose it to them, as he knew, from the wisdom and integrity of those gentlemen, that they would not, for any consideration, lend themselves to so unlawful an act. Finding her extremely desirous to have it attempted, he says, "that to satisfy her," he promised to signify her pleasure to Walsingham, and left her. From her Majesty Davison went immediately to the Lord Treasurer, and found the Earl of Leicester with him; he shewed Burleigh the warrant, faithfully repeated the conversation he had had with the Queen, and acquainted him with the directions she had given for carrying it to the great seal, and for sending it down to the Commissioners. And when Davison observed that it

was necessary he should be at Court that afternoon, to receive the Deputies from the Low Countries, who were appointed to be there directly after dinner, Burleigh entreated him to leave the care of that business to him, and to attend to the other, which was of far greater importance; in this request Leicester joined, and Davison consented to it. * So soon as he had dined he called on Walsingham, and acquainted him with her Majesty's having signed the warrant, and arranged with him as to the letter which, in obedience to her orders, they should write to Sir Amias Paulet and Sir Drue Drury; and thence went to the Lord Chancellor, and about four or five o'clock in the evening the great seal was affixed to the warrant. On his return he again called on Walsingham, and found the letter ready to be forwarded. † The following copy of it is given in Robert of Gloucester's Chronicle, ‡ and, with some others, which will be given in the proper place, is said to have been taken from a manuscript containing the letters which were

* Appendix B. † Appendix A. ‡ P. 673 & seq.

written to and by Sir Amias Paulet whilst the Queen of Scots was in his custody.

"*To Sir Amice Poulet.*

"After our hearty commendations, we find, by speech lately uttered by her Majesty, that she doth note in you both a lack of that care and zeal of her service that she looketh for at your hands, in that you have not, in all this time, of yourselves, without other provocation, found out some way to shorten the life of that Queen, considering the great peril she is subject unto hourly so long as the said Queen shall live. Wherein, besides a kind of lack of love towards her, she noteth greatly that you have not that care of your own particular safeties, or rather of the preservation of religion and the public good, and prosperity of your country, that reason and policy commandeth, especially having so good a warrant and ground for the satisfaction of your conscience towards God, and the discharge of your credit and reputation towards the world, as the oath of association which you both have so solemnly taken and vowed, and especially the matter wherewith she standeth charged

being so clearly and manifestly proved against her. And therefore she taketh it most unkindly towards her, that men professing that love toward her that you do, should, in any kind of sort, for lack of the discharge of your duties, cast the burthen upon her; knowing, as you do, her indisposition to shed blood, especially of one of that sex and quality, and so near to her in blood as the said Queen is. These respects, we find, do greatly trouble her Majesty, who, we assure you, has sundry times protested, that if the regard of this danger of her good subjects and faithful servants did not more move her than her own peril, she would never be drawn to assent to the shedding of her blood. We thought it very meet to acquaint you with these speeches lately passed from her Majesty, referring the same to your good judgements; and so we commend you to the protection of the Almighty.

"Your most assured friends,

"FRANCIS WALSINGHAM.

"WILLIAM DAVISON.

"*At London,*

Feb. 1, 1586."

After Davison left Walsingham he returned to his house in London, where he slept;* and the next morning, about ten o'clock, Mr. William Killegrew came to him with the message from the Queen, directing him, that if he had not been to the Lord Chancellor he was not to go to him until he had again spoken to her Majesty. In answer to this communication he merely requested Killegrew to inform the Queen that he would be at Court as soon as himself, and would give her an account of what he had done: on his admission to her presence she enquired whether the warrant had passed the seal? and when he informed her that it had, she asked why he had used such haste? Davison justly answered that he had employed no more haste than she had commanded, and his duty to her required; and added, that he thought it was an affair not to be trifled with. In one of his narratives† he pertinently observes, that as twenty-four hours had elapsed since she had given him orders to get the warrant sealed with as little delay as possible, she

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* Appendix B. † Ibid.

could not suppose that he had not obeyed her commands, and, consequently, she must have concluded that it had passed through the Chancellor's hands. Davison then asked her whether it was still her intention to proceed with the affair according to her former directions? To which she replied that she did, although she thought it might have been done in a different manner, and "particularized a form," * because this threw the whole weight on herself; and named several persons who were of that opinion, and whose judgments she commended: he observed, that he knew not who else could bear it but herself, because the laws rendered it murder in any man who should take the life of the meanest subject in her realm without her authority, and that he thought the honourable and just way was the safest and the best, if she meant the sentence should be executed at all. † In one of Davison's accounts he says that Elizabeth then abruptly entered into a high panegyrick on Archibald Douglas, and wished that she had but two such counsellors; but perceiving that he took

* Appendix C.

† Appendix A.

little notice of her remark, she rose up, and after walking twice or thrice across the room, one of her ladies made some observation which attracted her attention, when he quitted her.* In his other relations he omits this allusion to Douglas, and merely tells us that she made no reply to his objections to her suggestion, but that she left him and went to dinner, "to his conceit very well satisfied."† From this conversation Davison, however, began to feel suspicious of Elizabeth's conduct; and he went immediately to Sir Christopher Hatton, the Vice-chamberlain, to whom he communicated the circumstances attending the signature of the warrant, and what had just before passed between the Queen and himself on the subject: he reminded Hatton of her conduct relative to the execution of the Duke of Norfolk, the blame of whose death she for several years imputed to the Lord Treasurer; and pointed out to him how much more, from the weakness of her sex

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* Appendix B.

† Appendix E. Minutes of Davison's Examination by the Privy Counsellors. Harl. MSS. 419.

and nature, the rank of the person whom it concerned, and from other circumstances, it was to be feared that she might disavow her orders for the death of the Queen of Scots, and throw the responsibility of it from herself: and he frankly told the Vice-chamberlain, that, notwithstanding the directions she had given him to send the warrant to the Commissioners, he was fully determined not to do any thing farther in the affair alone; but that having done as much as belonged to the duties of his office, he would leave to Hatton, and others who were equally interested with himself in the preservation of her Majesty's life, and the tranquillity of the kingdom, to determine what course should be followed in its conclusion. After some farther conversation, Hatton and Davison resolved to go immediately to the Lord Treasurer, and to confer with him on the subject. Burleigh approved of Davison's intention not to proceed singly; and the result of their deliberation was, that the whole of the Privy Council should be informed, the next day, of what her Majesty had done, the directions which she had given, and of the whole state of the case;

and in the mean time the Treasurer undertook to write copies of the letters which should be sent to the Earls of Shrewsbury, Kent, and Cumberland, and others, to whom the warrant was addressed. Perhaps for this purpose Burleigh required the warrant, for he requested Davison to leave it with him; and in the presence of the Vice-chamberlain he delivered the fatal instrument into his Lordship's own hands, who kept it until it was dispatched.* The next morning, Friday February 3, the Lord Treasurer sent for Mr. Davison and Sir Christopher Hatton, to shew them the letters which he proposed sending to the Commissioners; but the latter finding them very particular, and such as, "in truth, the warrant could not bear," shewed his disapprobation of them, and appeared to dislike their contents even more than he expressed. Burleigh, consequently, offered to write others, in more general terms, by the afternoon, and they determined to assemble the Privy Council immediately: within an hour all its members had arrived at the Treasurer's chamber, when

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* Appendix B.

his Lordship addressed them on the offences committed by the Queen of Scots, and on the necessity, both as it regarded the safety of the realm and the preservation of the Queen's person, that the sentence passed on Mary should be carried into execution: he also told them, that they were assembled to consider of what means would be the most expedient and honourable for the dispatch of the warrant for that purpose, which he shewed and read to them; that her Majesty had, by signing it, done all that either reason or the law required of her; and informed them of what had passed between her and Davison, of the orders she had given him, and of his refusal to act alone on the subject, together with the reasons which induced him to form that resolution; that as they were all equally interested in the result, he thought they should make it a general and common cause; that it was his advice therefore, as they had such proof of her Majesty's will, by the evidence of her own warrant under her hand and great seal, that they should unite in bearing the responsibility of forwarding it to the Commis-

sioners, without troubling her any farther on the subject; and hinted Elizabeth's wish to remove the imputation of Mary's death from herself. Each of the members of the council immediately offered to bear his part in whatever censure might arise from an act so important to the public safety, both in church and state; and it was finally agreed that the warrant should be dispatched without again applying to the Queen, because it was thought that she had already done every thing which was necessary, or could be expected, by signing the warrant, and by commanding Davison not to let her hear any more of the affair until it was concluded. They also expressed their unwillingness to trouble her Majesty on the subject, from the fear of the dangerous consequences which might ensue, if, upon what they deemed so unnecessary an appeal, she should capriciously delay the execution. It was then determined to entrust Mr. Beale, the Clerk of the Council, whom they thought the fittest person, with the charge of carrying the warrant to the Commissioners; and the letters proposed by the Lord Treasurer

to accompany it being approved, they were ordered to be fairly copied before the evening. The Council then separated and went to dinner, but assembled again between one and two, for the purpose of signing the letters: after this was done, they were delivered, in the presence of the Council, to Mr. Beale, with express and urgent orders to use the utmost expedition in the fulfilment of his commission; and the Council broke up. This account of the dispatch of the warrant differs in point of time from that given in another of Davison's narratives;* in which he says that after the Council had determined on forwarding the warrant, the Treasurer undertook to write the letters which were to go with it, and sent for Mr. Beale; and that *the next day* (Saturday February 4) the Privy Council met and signed them, and that the letters, as well as the warrant, were then delivered into Beale's hands by Burleigh himself; but from the date of the following letter, which accompanied the warrant, to the Earl of Kent, it appears that the first of these statements is correct.

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* Appendix B.

"*To the Earl of Kent.*

"After our very hartye commendat'ons to yo^{r} Lp: Whereas her Ma^{tie} hath p'v'telye directed her Commissyon under her hande and greate seale of England to our good L: of Shrewesburie, yo^{r} Lp: and others, for her specyall service tendinge to the safetye of her Royall p'son and univ'sall quiettness of her wholle Realme, as by the sayd commyssyon shall appeare unto yo^{r} Lp: Wee have thought good to send the same by this bearer Mr. Robert Beale, a p'son of greate trust and experyence, first to be shewed to yo^{r} Lp: and afterwardes to be by him carryed to th' Earle of Shrewesburie, from whome wee doubt nott butt yo^{r} Lp: shall allso verye speedelye heare at what tyme his Lp: and you maye most convenyentlye meete together for th' executyon of the sayd commyssyon. And in the meane tyme yo^{r} Lp: shall understande by this bearer how neadefull yt ys to have the p'ceedings herein to be kept verye secrett, and uppon what occasyon noe mo'e of the LL: in commyssyon are at this time used herein. Referringe yo^{r} Lp: therefore to his sufficyencye for the rest, Wee hartelye byd yo^{r} Lp: farewell.

At the Courte at Greenewch this thirde of Ffebruary 1586.

"Yo: Lps: lovinge frendes:

W. Burghley.	W. Cobham.
H. Derbye.	Fr. Knollys.
R. Leicester.	Chr. Hatton.
Ch. Howard.	Fra. Walsingham.
H. Hunsdon.	W. Davison." *

Indorsed,

"3 February 1586.

"Copie of a L're from the H: etcy of Her Maties Counsaile to the Earle of Kent, touching the execution of the Scottish queene." †

The next morning (Saturday February 4) Mr. Davison went to Court, and on entering her Majesty's private chamber he found her in conversation with Mr. afterwards the celebrated Sir Walter Raleigh; but when she perceived him she called him to her, and, "as if she had understood nothing of these proceedings," smiling, told him that she had been troubled that night by dreaming that

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* Cotton. MSS. Calig. C ix. f. 155.

† Apparently in another hand.

the Queen of Scots was executed, and that she was so greatly incensed against him on learning it, that in her passion she could have done any thing to him. Elizabeth related this in "so pleasant and smiling" a way, that he only answered "it was fortunate he was not near her so long as that temper continued;" but on reflection he earnestly asked her what it meant, and whether, having proceeded so far, she had not a full and resolute intention to execute the sentence agreeably to her warrant? her answer was "Yes," confirmed with a solemn oath in some vehemency; "but that she thought it might have been done in another way, because this threw the whole burthen on herself." Davison replied that the form prescribed by the warrant was such as the law required, and that it could not be altered with any regard to "honesty or justice," or with safety to those who were appointed to execute it; and then repeated his former argument, that as she was the Sovereign Magistrate, who was invested by God with the sword of Justice, without her authority the life of the poorest wretch in her kingdom could not be touched. She then

told him that there were wiser men than himself who were of a different opinion, and he properly remarked that he could not be responsible for the sentiments of others, but that he was sure that he had never yet heard any man give a sound reason to prove it either honourable or safe for her Majesty to follow any other course than that which was consonant to law and justice. To this Elizabeth made no answer, and, without anything farther being said, she left him.* In the other statements he tells us that this conversation occurred two or three days after,† which must have been either on Sunday the 5th of February, or Monday the 6th, and in the gallery of her palace at Greenwich;‡ and that she informed him that the course she proposed was suggested to her privately by "one in great place;" by which Leicester was probably meant: but as it was very unsuitable to the rest of the public proceedings, he expressed his dislike of it, and assigned his reasons, with which she seemed satisfied, and did not shew any intention of following the plan she alluded to,

* Appendix A. † Appendix A. and C. ‡ Appendix B.

or of deviating from her former resolution on the subject. * In the afternoon of the day on which this took place, she asked Davison if he had heard from Sir Amias Paulet in answer to his letter, of which a copy has been given; he replied in the negative, but on his going to London a few hours afterwards, he received the following noble refusal from Paulet and Drury, to become the iustruments of so infamous a deed.

"*To Sir Francis Walsingham, Knt.*

"SIR,

"Your letters of yesterday coming to my hands this present day at five in the afternoon, I would not fail, according to your directions, to return my answer with all possible speed, which shall deliver unto you, great grief and bitterness of mind, in that I am so unhappy to have liven to see this unhappy day, in the which I am required, by direction from my most gracious Sovereign, to do an act which God and the law forbiddeth. My good livings and life are at her

* Appendix B.

Majesty's disposition, and am ready to lose them this next morrow yf it shall so please her; acknowleging that I hold them as of her mere and most gracious favour. I do not desire them, to enjoy them, but with her Highnesses' good liking; but God forbid that I should make so fowle a shipwracke of my conscience, or leave so great a blott to my posteritie, or shed blood without law and warrant; trusting that her Majesty, of her accustomed clemency, will take this my dutiful answer in good part (and the rather, by your good mediation), as proceeding from one who will never be inferior to any Christian subject living in duty, honour, love, and obedience towards his Sovereign. And thus I commit you to the mercy of the Almightie. From Fotheringhay the 2d of February, 1586.

"Your most assured poore friends,

"A. PAULET,

"D. DRURY."

"Your letter coming in the plural number, seems to be meant as to Sir Drew Dreurye, as to myself; and yet because he is not named in them, neither the letter directed

unto him, he forbeareth to make any answer, but subscribeth in heart to my opinion." *

The next morning, which must have been Sunday the 5th of February, † Davison had an audience of the Queen, and informed her that he had received the preceding letter, which he read: on finding that Paulet refused to comply with her wishes relative to the Queen of Scots, she severely complained of the "daintiness," and, as she called it, "perjury of him and others," who, contrary to their oath of association, threw the weight of the affair on herself. She then rose, and after a turn or two across the room went into the gallery, whither Davi-

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* Robert of Gloucester's Chronicle, p. 673 *et seq.*

† Walsingham's letter to Paulet was dated the 1st of Feb. and could not have been forwarded until late in the evening; it reached Fotheringay at five in the afternoon of the 2d. His reply could not have reached London until the evening of the 3d, or the morning of the 4th. Davison's attendance at Court probably prevented his receiving it until the afternoon of that day, and as he of course informed the Queen of its contents, without many hours delay, it is certain that it was on Sunday, the 5th of February, that the above occurred; this also proves that the relation given in Appendix A, of the warrant being dispatched on Friday the 3d of February, is correct.

son followed her. Here she renewed her observations on the conduct of Paulet, and blamed the "niceness of those precise fellows," as she termed them, who *professed* great zeal for her safety, but would perform nothing, adding that she could have done very well without them, and named one Wingfield, who with some others would have undertaken it. Davison again represented how dishonourable, in his opinion, such an act would be; and what a contrary effect it would have to that of preventing the malice and danger which she was so anxious to avoid: he then explained the situation into which she would have brought Sir Amias Paulet and Sir Drue Drury, if from their solicitude for her safety they had executed what she desired; and represented that in such a case she must either have disavowed or justified their conduct: if she justified it, she took the whole affair on herself to her infinite peril and dishonour: if she disavowed it, she would totally have destroyed two gentlemen who had served her with zeal and fidelity; have blasted their reputations, ruined their estates, and entailed infamy on their posterities; and he concluded his remon-

strance by strenuously impressing on Elizabeth the injustice and dishonour of such a course towards them. She then alluded to some subjects connected with Walsingham and her other Ministers, and on learning that it was time to go to her closet, rose and left him.* On the following day, † or as it appears from the other accounts * at Davison's next access to her presence, which was he thinks on Tuesday [February 7th], he waited on her to obtain her signature to some letters relative to a dispute between the Lord Deputy of Ireland and her Secretary Mr. Fenton, when she commenced an earnest conversation on the danger in which she lived, and remarked that it was "more than time" that the affair was concluded, and "swearing a great oath," said that it was shameful in him, and the rest of her Council, who were careless of her safety and negligent of their own duty, that it was not already finished, † when she had done all which the law required of her; and commanded him to write a sharp letter to Sir

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* Appendixes A. and C. † Appendix B.

Amias Paulet to hasten that event, because the longer it was deferred the more her danger increased.* Davison "being somewhat jealous of her drift,"† and knowing that the Council had forwarded the warrant, of which he justly presumed she could not be ignorant, considering how many had united in causing it to be dispatched, ‡ cautiously replied, that he imagined such letters were unnecessary, as from the contents of the warrant it was quite sufficient; § and that it must be her Majesty's own Commission under the Great Seal, and not a private letter from him, which would be Paulet's authority for that purpose. ‡ To this Elizabeth said nothing more than that she thought Sir Amias "would look for it," * and one of her ladies then entering to enquire her pleasure about her dinner, she ended the conversation.

This interview was the last which Davison ever had with Elizabeth. On Thursday morning, February 9, the Lord Treasurer sent for Mr. Davison, and informed him that

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* Appendixes A. B. and C. † Appendix B, ‡ Ibid A.
§ Appendixes A. B. anc C.

Mr. Henry Talbot, son of the Earl of Shrewsbury, had arrived from Fotheringay with the intelligence of the execution of the Queen of Scots. The Earls of Kent and Shrewsbury reached Fotheringay on the 7th, and being introduced to Mary, informed her of their commission, and desired her to prepare for death by eight o'clock the next morning, when this ill-fated princess closed a life unusually marked by vicissitude and misery, and would it could not be said also, by error and by crime. The question of her guilt or innocence does not belong to this work, and the particulars attending her death have been so frequently related, that it would be useless to repeat them. It is impossible, however, to withhold that tribute of sympathy which the misfortunes of the illustrious never fail to excite, or to refrain from expressing that admiration, which the heroism and magnanimity she displayed in the last hour of her existence must command, even from those who are disposed to view her character with severity: and the age of chivalry must indeed be passed, when our warmest compassion is not called into action by the sufferings of a beauteous, and

accomplished female. Without enquiring into the justice of a sentence, passed by hoary counsellors and practised politicians, the best feelings of whose natures might have been chilled by age, or blunted by interest, we must recollect that that sentence could not have been executed but with the consent of one of the same sex, rank, and lineage with her on whom it was denounced.

On Elizabeth then, who could lay aside those sentiments which are the peculiar ornaments of the female bosom, and consign her cousin to a bloody and cruel death, succeeding generations have naturally looked with suspicion, and subjected her conduct to a jealous and scrutinizing investigation. How her character has borne this enquiry, historians have determined; and it must be confessed that their judgment has generally been strongly against her. No other consideration could possibly justify the execution of Mary but imperious necessity; but whether such necessity existed is very doubtful. The lapse of above two centuries ought to have dissipated the mists of prejudice, as well as those of party and affection, and have enabled us to form an accurate

and impartial opinion on this interesting subject.

Certain it is that the popular feeling was inimical to the Queen of Scots, and that all Elizabeth's Ministers either felt, or pretended to feel, great fear for her personal safety: on the other hand it may be said that the danger was chimerical; and that the reports which created the alarm they professed to entertain were raised solely by the Queen's agents, to afford a pretence for an act which, without such an excuse, must, even then, have been condemned as tyrannical and barbarous. If any means were used to inflame the public mind we must attribute their source to Elizabeth, and this would at once establish her bitter animosity to the Queen of Scots: and one circumstance affords some ground for such a belief. About the period when the warrant was dispatched, a hue and cry was published, of which a copy is extant,* stating that Mary had escaped. It is nearly positive that this must have emanated from authority, and it is equally certain that those who issued it must have been aware

* Harl. MSS. 291. f. 17.

of the report being totally without foundation. To this, and similar rumours, Davison imputes Elizabeth's determination to carry the sentence into execution; but, as she must have been conscious of their absurdity, they cannot be allowed to have had any weight. It is singular that the fatal warrant was signed on the day when she commanded Davison and Walsingham to write to Sir Amias Paulet, expressing her wish that he would privately put the Queen of Scots to death; and the fair inference is that Elizabeth resolved on making another effort to accomplish her favourite scheme, and that if it failed the legal course should then, as the only alternative, be followed. Had Paulet fulfilled her desire, he would in all probability have experienced even a worse fate than that which attended Davison, and the Queen would perhaps, with the same unblushing effrontery, have disowned any agency in the transaction.

Another strong proof of Elizabeth's intention to execute the sentence passed on Mary remains to be stated. A short time previous to the dispatch of the warrant, she commanded Burleigh to write to the Earl of

Shrewsbury, to order him to remain in the neighbourhood of Fotheringay, for the performance of a special service on which she meant to employ him.* The feelings which she betrayed on the signing the instrument which was to deprive her relation of life, must not escape severe reprehension. When giving vitality to the warrant of death, she exhibited a levity unsuitable to a Sovereign, and disgraceful to a woman: she could not only so far forget the important act she had authorized, as to speak without emotion on common-place topics, but could condescend to jest, and be satirical; for as we have seen, in directing Davison to inform Walsingham of what had been done, she spoke with a smiling countenance, and on asking his sentiments, she was ironical.

On an attentive consideration of the facts which have been detailed, added to Elizabeth's general conduct towards Mary, it may be safely concluded, that in consenting to her execution she was actuated much more by personal hatred than by political necessity; that her assurances of sympathy

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* Appendix A.

and reluctance were false and hypocritical; that to take Mary's life had long been the favourite wish of her heart; and that in every circumstance preceding that cruel exercise of her authority her conduct was mean and contemptible. Although forced to such a conclusion, it is but justice to her to observe, that her Parliament had twice petitioned, and that her principal advisers, Burleigh, Leicester, Howard, and even Davison himself, were solicitous that the sentence should be executed. On the motives of the Parliament some remarks havs already been made; and whether her Ministers were all actuated by a conscientious sense of duty is extremely problematical. Burleigh has always been deemed her bitter enemy: Leicester's sentiments were generally the shadow of those of his mistress, and as he uniformly exhibited his animosity to the Queen of Scots, he may be supposed to have been influenced by his inclination on this affair also, to express such an opinion as would coincide with that of Elizabeth. Howard might have been actuated both by principle and by the hope of rising in his Sovereign's favour. Davison however, from his unble-

mished integrity, and from the courage with which he opposed Elizabeth's inclinations when he thought they were unjust, or unlawful, was in all likelihood solely animated by his belief that the life of Elizabeth was hourly in danger from Mary's machinations and agents. In his letter to Burleigh (see p. 46), which could not have been written with any sinister motive, he alludes to a new plot against her person, and exhorts the Treasurer in a manner which carries with it a proof of his firm belief in such designs, to use his influence in inducing her to be more careful of herself: it is true that Davison might have been sufficiently credulous to be imposed upon by those reports, but his abilities render it improbable; and the sincerity of his opinion of the Queen's danger, and of the necessity of Mary's execution, is the best argument which can be adduced in favour of Elizabeth's conduct.

After Davison in obedience to the Treasurer's summons had arrived at his Lordship's chambers, they consulted with the Vice Chamberlain and some other Privy Councillors, and resolved not to acquaint

the Queen suddenly with the execution of the Queen of Scots; and they refrained from informing her of it during the whole of that day: in the evening, however, she heard of it by some other means, although she did not then take the least notice of the event.* Davison had returned to town before Elizabeth was told of the death of Mary, and, on his return to Court the next morning,† he first learned that she had evinced displeasure on the subject. It is generally supposed that Elizabeth appeared surprized and indignant when she was *first* informed of the execution; that her speech failed her, and that for some time her sorrow was so overwhelming, that she could not express it, but stood mute with grief, and that it at last vented itself in loud lamentations.‡ Davison, on the contrary, tells us that when she *first heard* of it, she took no *notice of it*, nor "*shewed any alteration at all;*" and that it was not until the *following morning* that she exhibited any anger on the occasion.§ If she really felt

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* Appendixes A. and B.

† Friday, February 10.

‡ Hume's England, v. V. p 320.

§ Appendixes A. and B.

what she then demonstrated, it probably arose from the reflections of her pillow, and it is not unlikely, nor irreconcilable with the sentiments which have been imputed to her, that her grief was sincere. It often happens that when the being whom through life we have pursued with unrelenting enmity, is by our efforts at last laid powerless and innocuous at our feet, that our former feelings become suddenly changed; that the conduct which we condemned with severity then wears a very different aspect; that every merit rises with irresistible truth to our imaginations; and if ever that object inspired us with regard or esteem, those dormant feelings are forcibly awakened, and we contemplate our victim with unavailing sorrow and remorse. If, however, Elizabeth's grief was a continuation of her former hypocrisy, it accounts for her not assuming it until officially informed of Mary's death; when she immediately sent for Sir Christopher Hatton,* to whom she disavowed her execution as an act which she never commanded or intended, and imputed it to the whole of the Privy Council,

* Appendix A.

but chiefly to Davison, because she pretended that in allowing the warrant to go out of his hands, he had abused the trust she had reposed in him:* and on his arrival at Court, he found several Privy Councillors assembled in the Lord Treasurer's apartment, who acquainted him with her Majesty's anger, and with her accusation both against them and himself. He says, that having his own conscience and the Privy Council as witnesses of his integrity and innocence in that affair, he did not at first feel apprehensive on the subject, considering what he had before observed of her desire to throw the responsibility of it from herself. The Council, however, advised him to absent himself from Court for a few days, and being also compelled to go to town from a severe illness, which arose from an attack of palsy a few days before, he complied with the suggestion, and returned to his house in London. Some doubt may be entertained whether this advice was not prompted by treachery; and produced by their wish to remove him from Court, that

* Appendix A.

they might be the better able to make their own peace with the Queen.

It has been said that none of Elizabeth's Ministers dared to approach her; and that if any ventured into her presence, she chased them away with the most violent expressions of rage and resentment; they had, she told them, committed an unpardonable offence in putting to death her dear sister and kinswoman, contrary to her positive intention, of which they were sufficiently aware. *

The next information which reached Davison was Elizabeth's intention to commit him to the Tower; but thinking it so unlikely, and feeling conscious that he had not merited such treatment, he did not believe it. Lord Buckhurst, however, shortly afterwards arrived to execute her commands, by taking him to that prison; but his Lordship finding him ill in bed, after some conversation returned to the Court, and acquainted the Queen with the state in which he had found him. She deferred it for two or three days on that account, but

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* Hume, vol. V. p. 321, who follows Camden.

on Tuesday the 14th of February, Buckhurst conveyed him to the Tower.*

The tempest which wrecked Davison raged at first with such fury, that even Burleigh himself was struck with alarm; nor could the considerations of his age and faithful services, at the moment, save him from its effects. He withdrew himself from Court, and wrote the most humiliating letters to Elizabeth, begging to be permitted to resign all his appointments: in one of them he thus intended to speak of Davison's talents, and of her purpose of committing him to the Tower.

"And having ended that concerneth myself, I cannot in duty forbear to put your Majesty in mind, that if Mr. Davison be committed to the Tower, who best knoweth his own cause, the example will be sorrowful to all your faithful servants, and joyful enemies. And as I can remember many examples in your father's, your brother's, your sister's, yea even your own time, of committing of Councillors either to other men's houses or to their own, so can I not remember

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* Appendixes A. and B.

any one example of a Councillor committed to the Tower, but where they are attainted afterwards of high treason; and so were served afterwards. And what your Majesty intendeth towards this your servant I know not; but sure I am, and I presume to have some judgment therein, I know not a man in the land so furnished universally for the place he had, neither know I any that can come near him." The sentiments of justice which produced this generous eulogy on his companion in disgrace, unfortunately for Burleigh's character, soon gave place to considerations of self-interest; and before a fair copy of the letter which was to be forwarded had been made, the praises of Davison were modified into the following expressions.

"I beseech your Majesty pardon me to remember to let you understand my opinion of Mr. Davison. I never perceived by him that he thought your Majesty would have mis-liked to have had an end of the late capital enemy, and what your Majesty minded to him in your displeasure, I hear to my grief. But for a servant in that place, I think it hard to find a more qualified per-

son, whom to ruin in your heavy displeasure shall be more your Majesty's loss than his." *

When Elizabeth's real or affected anger had subsided, she restored the Treasurer and other councillors to favour; but as some sacrifice was necessary to appease the King of Scots' resentment, her unfortunate Secretary was selected for the purpose. She not only committed him to the Tower, but also deprived him of his situation of Secretary of State. The just remark of a distinguished political writer, on the dismissal of an able Minister, applies with great force and truth to Davison's removal. "It is not in this country that such men can be dishonoured by the frowns of the Sovereign. He was dismissed, but could not be disgraced." †

Previous to his being brought before the Star-chamber he underwent three examinations in the Tower, the reports of which still exist, and will be found in the Appendix. ‡ On the 12th of March the Vice-chamberlain Sir Christopher Hatton, and Mr. Wolley, were sent to him, and proposed five ques-

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* Strype's Annals, vol. III. p. 375. † Junius.

‡ Appendix E.

tions: in them it was demanded, if when Elizabeth signed the warrant she had not ordered him to keep it secret, and not to mention it to any one? if when it had passed the great seal she had not commanded him on his life not to let it go out of his hands until he knew her further pleasure? if she had ever directed him to deliver the warrant, or to cause it to be executed? and whether, six or seven days after it was sealed, her Majesty did not tell him in the gallery, that she had a better way of proceeding in the affair, than that which had been before advised? Davison answered that when the Lord Admiral sent for him, he told him to bring the warrant for her Majesty's signature, as it was her intention to carry the sentence into execution; that when he brought it to her she signed it; and in the presence of his Creator he affirmed that she gave him no such commands of secresy; that she ordered him to carry it to the great seal, and directed that it should be forthwith dispatched; that the Lord Chancellor necessarily knew it, that the Lord Admiral was informed of it from her own lips, and that she desired him to acquaint

Mr. Secretary Walsingham with it, and hence that there were no orders given him to conceal it. He protested before God that she gave him no command that he should not suffer the warrant to go out of his own hands; and that if she had done so he would not have concealed such an order from the Privy Council, who resolved on sending it down; that, as her Majesty did not expressly direct him to deliver the warrant to any one in particular, he concluded that she meant that it should be executed; that on some letters arriving from Sir Amias Paulet, her Majesty, after "complaining of him for such a cause as she best knoweth," hinted that "she would have matters otherwise done," the particulars of which he left to her own recollection.

On the 14th of March, Davison was further questioned, whether, after the warrant was sealed, the Queen did not remark how important a charge she had committed to his custody, and how heedful he ought to be in keeping the same safely and secretly, and that it was to remain until some farther occasion required? and whether he did not answer that upon his life

and faith nothing should be done therewith without first learning her pleasure on the subject, and that he would rigidly follow her instructions thereon? To the first of these queries he most solemnly asserted that he never received any such commands; and to the second, that after the warrant was signed, and he had received her directions to carry it to the great seal, with instructions to use it secretly, he promised to do so with that care and secresy which it required; and added that this was all he could remember on that subject, as he protested before God.

On the 16th, eight new questions were put to him: First, whether her Majesty did not on signing the warrant remark, that she had committed a high trust to him, and such as was seldom reposed in a man who had been so short a time in her councils; and whether she did not charge him to keep it carefully and secretly, for that it was her intention to use it according to her pleasure; and what answer did he make thereto? Davison's reply was, that he remembered no such circumstance or injunction, and that all he recollected was, that the Queen directed him to carry the warrant to the great

seal, and ordered, in general terms, that it should be secretly used; on which he promised her to take that care which it required. Secondly, whether he did not entreat her Majesty, for certain reasons which he alleged, that she would allow him to inform Sir Francis Walsingham of the subject, and did she not allow him to do so? To this question he protested, "before the living God," that he did not remember any suggestion of his to that effect; but that her Majesty commanded him that on his way to the great seal he should acquaint Mr. Secretary with it, because as she "merrily said," she thought the grief thereof would kill him; with "*another command, the purport of which he left to her best recollection.*" Thirdly, whether her Majesty did not the day after the warrant was signed, send to delay its passing the great seal, and when he told her that it was already done, if she did not give him a more positive charge than before to use greater care and circumspection in keeping it? His answer to this interrogatory merely contained the account already given of Mr. Killegrew's having been sent to him, with the same relation of what

passed between Elizabeth and himself; after which he says, he left her "to his conceit very well satisfied." Fourthly, whether the Lord Treasurer did not in the Queen's presence, before the warrant was signed, find fault with him because he did not present it for that purpose, and whether his Lordship did not observe that it was right it should be signed in order that it might be in readiness in the event of any thing happening, and that her Majesty might entrust either the Lord Chancellor, himself, or Davison, with the safe and secret keeping of it? His reply acknowledged his being reproved by the Treasurer in the manner and under the circumstances stated; but that he did not recollect any such observation. The fifth interrogation demanded whether he did not, after the warrant was sealed, ask the Queen what he should do with it, and what was her answer? but he totally denied having asked any such question, because he had no doubt of her intention to have it carried into execution. The sixth inquired how many days the warrant remained in his hands after it was sealed, and whether her Majesty commanded him to deliver it,

or whether he made her acquainted with it before he did so, and what caused him to keep it so long before he delivered it? He stated, in answer to this question, that the warrant was signed on Wednesday morning, February first, and sealed at five o'clock in the afternoon; the next day he brought it back to the Court, and on Friday the Council determined to send it down to the Earls, from their apprehensions of a tumult in consequence of the report of the Queen of Scots' escape, &c.; he likewise said that he received no special command from her Majesty to deliver the warrant to any particular person; nor did he inform her of its having been forwarded. The seventh query only demanded whether the Queen, five or six days after the warrant was signed, did not tell him that she intended to take another course? and he replied, as he had done before, that some days after the warrant was sent down, upon the receipt of a letter from Paulet, her Majesty said something to the effect "that she would have it otherwise done, *the occasion and circumstances whereof he humbly left to her gracious remembrance.*" The eighth and last question alluded to his

having taken legal advice as to his offence. It inquired whether he had not sent, or caused some one, to ask advice and counsel as to the extent and nature of his offence, and how far he was liable to be punished by law for it? And he answered, that what any friend of his might have done for his own satisfaction he knew not, but denied having ever given directions to any one to make such an inquiry; and concluded by stating that he had the testimony of his own conscience to witness that he had never willingly done any thing to offend her Majesty, whose favour had ever been as dear to him as his own life; and that he hoped from her experience of him in the whole course of his life and services, which had always been performed with uprightness and integrity, she was fully persuaded to that effect.

These examinations form an important evidence of the truth of Davison's other statements, on which the preceding account of what passed between Elizabeth and himself, relative to the warrant for the Queen of Scots' execution, has been grounded. There are three narratives of this transaction ex-

tant, * besides a sort of abstract of the whole; † and although they are not all in his manuscript, yet there can scarcely be a doubt but that they were originally written by him, or drawn up under his immediate inspection. They are dated from the Tower, February 20th, 1586, ‡ which was about a fortnight before he was questioned by the Vice-chamberlain and Mr. Wolley. It is most probable that one of them was actually sent to Sir Francis Walsingham, to whom they are all addressed; and that the others, particularly the longest, § were prepared some years afterwards, and intended for the purpose to which they are now for the first time appropriated — the vindication of his fame to posterity. It must be remarked, that although all Davison's apologies, as they are termed, were addressed to Walsingham, yet on those occasions when he might have appealed to his personal knowledge of many circumstances, the Secretary is never spoken of but in the third person: and hence it appears that the con-

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* Appendixes A. B. and C. † Appendix D.

‡ 1587. § Appendix A.

jecture of an author,* who has shewn considerable critical acumen on those statements of Davison which were then known, is correct—that they were never intended to be what Camden calls them, private communications to Walsingham, but designed for a public justification of his character. The slight differences which exist between the three apologies may be imputed to a defect in his memory, without at all impeaching their general authenticity; for the only parts in which they disagree are as to the precise days on which certain things occurred. Even in his longest and most circumstantial apology he speaks with uncertainty on that head: but no rational objections can be made to the whole because in such minutiæ they do not exactly correspond, when on all material points they are strictly consistent. His answers to the interrogatories of Hatton and Wolley perfectly corroborate his statements in those narratives: and he attests his replies by the most solemn asseverations, which, when made by a man of Davison's integrity, are

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* Whitaker's Vindication of Mary Queen of Scots.

entitled to some credit. The best evidence, however, of their truth arises from his knowing that they would be deliberated on by those who were witnesses of many facts which he relates, and especially by the Queen, *to whom he appeals for their correctness.* The cautious way in which he alludes to her suggestions for assassinating Mary, clearly shews his being aware that it would meet Elizabeth's eye: had he explicitly stated what actually passed on those occasions, which he so prudently "left to her own best remembrance," he would probably have experienced a more cruel fate than that which befel him. The questions themselves may be attributed to her, because they convey that impression of Davison's conduct which she wished it to wear to the world; and they must have been drawn up from her representation of the orders which she pretended to have given him.

Soon after the execution of the Queen of Scots, Elizabeth dispatched Sir Robert Cary, son of her relative, Lord Hunsdon, with a letter to James. In it she expressed her wish that he knew but did not feel the un-

utterable grief which she experienced on account of that unhappy accident, which, without her knowledge, much less concurrence, had happened in England; that, as her pen was unable to write it, she was obliged to commit the relation of that event to her messenger, who was her kinsman, and who would likewise inform him of every circumstance attending that melancholy and unexpected misfortune; that she appealed to the Supreme Judge of Heaven and Earth for her innocence; and that she had the consolation in her affliction to find that many persons in her court could bear witness to her veracity in this protestation; that she *abhorred dissimulation*, and deemed nothing more worthy of a prince than a *sincere and open conduct;* and that if she had really given orders for the execution, he could not surely think her so base or so mean-spirited as to be induced, from any consideration, to deny it; that though sensible of the justice of the sentence passed on the unfortunate prisoner, yet she had determined from clemency never to carry it into execution; and that she resented the temerity of those who had frustrated her in-

tention; and that, as no one loved him more dearly than herself, or bore a more anxious concern for his welfare, she trusted that he would consider every one as his enemy who endeavoured, on account of the present incident, to excite any animosity between them. When this letter is compared with the evidence which has been adduced, it is perhaps difficult to find a more palpable piece of dissimulation. To give James as much proof of the veracity of her assertions as she possibly could, further proceedings were necessary against Davison; and, as it has been justly observed, "she made no sort of scruple of sacrificing the reputation and happiness of one of the most virtuous and able men in her kingdom." * For this purpose, on the 28th of March he was brought before the Star Chamber, attended by Sir Owen Hopton, in whose custody he was placed; at this time he was still suffering from the attack of palsy, and wore his left arm in a sling. The Commissioners appointed to try him, if the proceedings can merit the appellation

* Robertson's Scotland, vol. II. p. 346.

of *a trial*, were, the Lord Chief Justice, who acted as Lord Privy Seal for the day, the Archbishops of Canterbury and York, the Earls of Lincoln, Cumberland, and Worcester, the Lords Lumley and Gray, the Chief Baron of the Exchequer, the Chief Justice of the Common Pleas, the Master of the Rolls, Sir William Mildmay, the Chancellor of the Exchequer, and Sir James Crofts the Comptroller of the Household. The Counsel for the Crown consisted of Serjeant Gawdy, Serjeant Puckering, John Popham, Attorney-general, and Thomas Egerton, Solicitor-general. Three statements of the proceedings of the Star Chamber against Davison are preserved; and the two best will be found at the end of the volume; these are taken from Manuscripts in the Bodleian Library,* and in that of Caius College,† and are published in the State Trials; the third is in the British Museum;‡ but it does not contain such additional information as to require inser-

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* "Juridici" 7843. 862.

† Class A. 1090 8. p. 267.

‡ Harl. MSS. 290, f. 237, and 6807, f. 213; which are nearly verbatim copies of each other.

tion. The relation which Camden gives of the trial differs little from each of them; and the following (which as copies of those in the State Trials are given in the Appendix, will be very concise,) is that which appears to be the most correct account, on collating all the authorities alluded to. The charges brought against him were "Misprision and Contempt;" and the Counsel for the Crown opened the proceedings by a long harangue, contending that although the Queen of Scots had been condemned, yet that it was never Elizabeth's intention to execute the sentence; and that, in contempt of her Majesty, and contrary to her express command, Davison had acquainted the Council with it, and had put the warrant into execution without her knowledge. In his defence he asserted that he had never any private enmity against the Queen of Scots, but that he had been actuated solely in his conduct towards her by the duty he owed to his Country; that the warrant was in his possession six weeks before he presented it, as the Lord Admiral could testify; that the situation he held was given to him by her Majesty from her good opi-

nion of him, without his having made any application for it; and he felt assured that he had not committed any wilful error in fulfilling its duties, or acted otherwise than as an honest man ought, for that nothing in the world was so dear to him as his reputation: he admitted that Mr. Killegrew was sent to him with the message already stated; but he argued that it did not prove any thing contrary to her purposing to execute it when it *was* sealed: he solemnly protested that, to the best of his understanding, he had done nothing but what he thought would be agreeable to her; that he was convinced of her intention to carry the sentence into execution from the necessity which existed for it; her Majesty's imminent danger; the wishes of her people, whose safety was always an object of her care; and still more, by the expression she used in giving him the warrant after signing it, "Now you have it let me be troubled no more with it;" that it had received her signature and passed the great seal, which he thought rendered it irrevocable, unless she specially countermanded it. With respect to the charge of "*secrecy*," he under-

stood it to mean that he should conceal it from the knowledge of the public, because, if it was generally known, it might prompt the agents of Mary to make some desperate attempt on the Queen; that she had herself imparted it to the Lord Admiral; that she commanded him to do so to Sir Francis Walsingham; that it could not be sealed without the Lord Chancellor's being aware of it; and that he had acquainted the Lord Treasurer with it from the consideration of the great credit and confidence which she reposed in his Lordship; that it was not usual at Court for the Queen to be troubled with the particulars attending the execution of any such warrants, but that, after she had given effect to them by her assent, the time, place, and manner of executing them were always left to the Privy Council; and that the accustomed method ought particularly to be followed in this case, because she had expressly said "she would not be troubled any more with it." During this part of his defence he was occasionally interrupted by Egerton and his colleagues, who endeavoured to aggravate his offence by every means in their power. On Gawdy

and Puckering charging him sharply with Burleigh's confession, that he had told him the Queen meant to execute the sentence, he prayed them, with tears running down his cheeks,* that they would not urge the matter any farther, for that he would not contest against her Majesty, between whom and himself the cause stood; that she was his gracious Sovereign, and he her servant, and what she asserted he would not contradict; neither would he disclaim the Treasurer's evidence or report against him, or avow any thing which was not strictly consistent with a dutiful regard to her honour; that the reason why he concealed from Elizabeth that the warrant was dispatched, when she again alluded to the subject, arose from the promise he made to the Council, and the agreement into which they mutually entered, not to acquaint her with it until it was executed. When Egerton pressed Davison with his own confession, and read extracts from it, he begged him to read the whole, and not parts only, but that he would rather suppress it entirely, because it contained *some secrets not fit to be divulged;*

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* Camden.

and that, although he would not contend with the Queen, still he could not allow that his modesty should prejudice the truth and his own integrity.* After stating that no personal considerations, not even death itself, should induce him to disclose any private conversation or command he had received from the Queen, he confessed that he had told the Council that he thought it was her pleasure the warrant should be executed, and appealed to Elizabeth's *own conscience* if he had not cause to think so. He repeated that he would not contest against her, but submit himself to whatever punishment the Commissioners should think proper, but that, "in his own estimation, he had acted as sincerely, soundly, and honestly, as any servant could do;" that he should content himself with the testimony of a good conscience; and requested not to be urged to repeat what passed between the Queen and him, or to declare what private authority he possessed for the execution o. the warrant, for that he would not divulge it, whatever might become of him; that

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* Camden, p. 390.

he should stand upon the equity of his cause, and especially upon this point, that he had not in any way violated the duty of an honest man, for that he valued his character more than his life.* After Davison had concluded his defence, of which the above is the substance, the Commissioners separately delivered their opinions. Sir Walter Mildmay commenced, and, in a speech characterised by the most sycophantic flattery to the Queen, severely censured Mr. Davison, and expressed, as his judgment, that he should be fined ten thousand marks, which, although too much for him to bear, was little enough, considering the nature and quality of his offence; and that he should be imprisoned in the Tower during the Queen's pleasure, to whose consideration he referred the punishment. All the other Commissioners concurred in this sentence; and in assigning the reasons which guided their decisions they appeared to emulate each other in adulatory observations on Elizabeth, and in distinguishing themselves by a servile adherence to what they knew were

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* Harl. MSS. 290 and 6807.

her wishes.* The speech of Lord Grey, and the admissions which they all made of Davison's abilities, alone merit our notice. This Nobleman, to his high honour, defended him with considerable zeal and eloquence; but in his invective on Mary betrayed much religious fanaticism. He argued that he had done no more than his duty; that as to the breach of secresy, he thought his answer quite satisfactory; and that had not the warrant been forwarded, and any ill had in consequence befallen the Queen, he would have been denounced as a traitor: notwithstanding this opinion, Grey concurred in the sentence proposed by Mildmay, perhaps because he thought it was necessary to impose on the King of Scots; but he thus concluded, "that he was content that the punishment mentioned by Sir Walter Mildmay should be laid upon him, desiring therewithal that it might please the mighty God to put it into her Majesty's heart to remit him his punishment, that all good subjects, by his example, may neglect their own private

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* Vide Report of the Trial in the Appendix.

hinderance and disgrace in respect of the furtherance of the weal public, and thereby to encourage her faithful servants and subjects to perform their duty."* The Chancellor of the Exchequer expressed his opinion of Davison's merit in the following terms: "that it behoved the Queen to trust somebody, and so she did this gentleman, called into her service upon trust, and who, for the acquaintance I have had with him, was worthy of his place; and am sorry he was not in this so good a servant as in all other things."† In another place he says, "that the Queen chose Mr. Davison above the rest of the Council, whom she took to be a very honest gentleman;"‡ and again, "that Mr. Davison being a very wise man."§ The Master of the Rolls imputed his error "to his great zeal, which made him forget his duty."‖ Sir James Croft said, that, "in his opinion, Mr. Davison was a very honest man, and loved him for his own particular affection very well."¶ The Lord Lumley swore, "by his troth he loved Mr. Davison

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* Harl. MSS. 6807.
† Appendix F.
‡ Harl. MSS. 6807,
§ Ibid.
‖ Appendix F.
¶ Harl. MSS. 6807.

very well, and that he had ever heard well of him." * The Earl of Lincoln thought that it was "negligently done, but not contemptuously; that he was of Lord Grey's opinion; that, in his estimation, the punishment was too severe, but he agreed to it because he knew the Queen was merciful." † The Earl of Sunderland coincided with the sentiments expressed by Lord Grey. The Archbishop of York "was sorry for Mr. Davison, who did it neither wittingly nor willingly, as he thought, but of a good conscience, to cut off the common enemy." The Archbishop of Canterbury thought that he did it out of superabundant zeal of religion unto her Majesty, and love to the Commonwealth. The Lord Chief Justice, who presided on the occasion, admitted that Davison certainly meant well, and that it was *bonum* but not *bene;* and delivered the sentence of the Court — "That he should pay a fine of ten thousand marks, and be imprisoned in the Tower during the Queen's pleasure." His Lordship then remarked, that these proceedings had proved the inte-

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* Harl. MSS. 6807. † Ibid.

grity of her Majesty's conduct towards the Queen of Scots; and informed them, that, as she thought the Council had been deceived by Mr. Davison, she imputed no blame to any of the others. — Davison begged to ask one question, but the Lord Privy Seal and Sir Walter Mildmay told him, "that it was not permitted in that Court to ask any question after judgment was passed, but only to petition:" but upon his assuring them that he would say nothing which could offend them, he was allowed to speak, and was about to ask, "Whether, if the Queen had been injured, and the warrant was found in his hands ready signed and sealed, what ——" when he was interrupted by Wray and Mildmay, who observed that the point had already been discussed by Lord Grey. He then addressed the Court, expressing his resignation to the will of God; and he protested that he cared not for the loss of his situation, his disgrace, the fine, or the imprisonment, although, from his illness, he could very badly bear it; but that all which gave him concern was her Majesty's displeasure. He entreated them to become suitors to her for

him, and assured them, if he could but again obtain her gracious favour he was indifferent as to the situation in life in which he might be placed. Many of the commissioners observed that it was a very dutiful petition, and promised him that they would inform the Queen of it. The Court then broke up, and Davison returned to the Tower; to which he was attended by the sympathy and commiseration of many of his contemporaries.

In the preceding relation of Davison's conduct in the transaction which proved so fatal to his fortunes, every circumstance connected with it has been minutely detailed, and his integrity is thereby so clearly established, that no comment could increase the conviction which it must produce, that the sentence passed on him by the Star-Chamber was iniquitous. When he appeared before that tribunal, he wisely resolved to submit to his fate, knowing that resistance would prejudice his cause, and that his innocence would have been the most dangerous defence he could have offered: he trusted to the generosity of his sovereign, and perhaps calculated, that when the storm

which had overwhelmed him was subsided, he should soon recover from its violence. It is impossible not to admire the generous forbearance which he displayed on his trial, by cautiously avoiding any allusion to Elizabeth's suggestion for assassinating the Queen of Scots, and by preferring the honour and interests of an ungrateful mistress to every personal consideration. From the charges brought against him, his statements in all his narratives * fully exonerate him; nor does the sentence passed on him in any degree impeach his innocence: the characteristics of the Star Chamber proceedings, it is well known, were injustice and tyranny; and as it was a court which generally made the will of the Sovereign the guide of its judgments, the conviction of the persecuted Secretary before it rather adds to than lessens the weight of all the other evidence in his favour.

Although the vindication of Davison's character is left, without remark, to the plain narrative contained in the preceding pages, there are a few points on which some observations are necessary. Besides the charges

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* Appendixes A. and B.

brought against him by Elizabeth, he has been censured for writing to Sir Amias Paulet, in obedience to her commands, to inform him of her wish that he would privately dispatch the Queen of Scots; * for giving up the warrant to Burleigh; for concurring in the proceedings of the Council, when he was aware that they were ignorant of the application to Paulet; and for not acquainting the Queen that the warrant for the execution was forwarded, on those occasions when she alluded to the subject of Mary's death.† Besides the letter on which the first charge is grounded, two extracts of letters said to have been written by Davison to Paulet and Drury, are adduced in support of it. The letter itself is inserted at length in its proper place, and when its contents are compared with Davison's resolute and undeviating con-

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* For writing it Whitaker says, "That although Davison was *not an honest man*, yet he was so nearly one as to be a very prodigy for the Ministry of Elizabeth." Vindication of Mary Queen of Scots, vol. I. p. xiv. 176, 189, and vol. III. p. 544, 576.

† Aikin's Memoirs of Elizabeth, vol. II. p. 191, 193; in which Davison's delivering up the warrant to the Lord Treasurer without further commands, or waiting for Paulet's answer, is termed "incredible rashness."

duct, relative to all propositions for putting Mary to death, excepting by the forms of law, it may confidently be asked, if any stigma can in consequence of it be attached to his name? That Davison approved of Elizabeth's signing the warrant, and that he thought the Queen of Scots ought to be executed, is not only unquestionable, but it is a fact which he never attempted to conceal. In the early stages of the proceedings against her, he however declined any active participation; and to avoid being one of the Commissioners for the examination of Babington, he left the metropolis for Bath; and he was so scrupulously particular in not having any connection with conduct which he considered unconstitutional, that no persuasion could, as we have seen, induce him to join the association. Whenever the Queen suggested the assassination of Mary, he refused to be himself an instrument in such an act, and always endeavoured to convince her that it was no less illegal than dangerous; and to her ironical question, on signing the warrant, of whether he was not sorry that it was done, he replied, that as he deemed it necessary, he could not re-

gret to see her "*adopt an honourable and just course*" for securing her own life and the tranquillity of the realm; thus, although it is evident that Davison was of opinion that both were in constant and imminent danger, yet he thought their security ought not to be produced by any other means than those pointed out by law. It must also be recollected that when she wished him to communicate her sentiments to Paulet and Drury, he frankly told her that it was a subject he entirely disliked; and that from his knowledge of the integrity and wisdom of those gentlemen, he was convinced that no inducement could prompt them to lend themselves to so unlawful a deed. These assurances did not content Elizabeth, and she still urged her wishes so strongly, that to "satisfy her," Davison promised to signify her pleasure to his colleague. In compliance with what he had undertaken, he called on Walsingham, and consulted with him as to the letter which should be written on the occasion; and on his return to the Secretary in the evening, after affixing the great seal to the warrant, he found it ready, and it was dispatched the same night. This

letter merely contained the expressions which her Majesty had used to Davison, and it concluded by informing Paulet and Drury that although they thought it right to acquaint them with the Queen's sentiments, they nevertheless *referred it to their own judgments* how to act on the subject. Notwithstanding Davison signed this letter, it was written by Walsingham; and those to whom it was addressed considered it as coming solely from him. But it may be demanded, in what way is this letter so improper that its contents should be imputed as a crime to those who wrote it? As the servants of Elizabeth, it was the duty both of Walsingham and Davison to make any communication she might think proper. In this instance no opinion of their own is expressed: and they may be considered merely as the official instruments for conveying the wishes of their Sovereign; and it is quite impossible that either Paulet or Drury could, from the contents of that letter, have imagined that the sentiments which it contained were also those of the Secretaries who signed it.

It is certain that Davison was personally

known to Paulet and Drury, and his knowledge of their characters induced him the more readily to comply with Elizabeth's request of informing them of her wishes, from his being perfectly satisfied that they would not, in any degree, be influenced by them: and it is probable that Davison felt that both these officers were sufficiently aware of his opinions, relative to any unlawful measures being used towards Mary, to prevent the possibility of their deeming the letter to be *his* suggestion for complying with the desire of the Queen, or that he at all coincided with her inclinations on the subject. It has already been stated that when she wished him to write to Paulet and Drury, relative to assassinating the Queen of Scots, he assured her that no inducement could persuade them to commit so illegal an act; and after he had received their refusal he defended their conduct, and endeavoured to convince her that they had decided according to the dictates of honour and justice. When we reflect, that by writing the letter in question, Davison and Walsingham merely fulfilled the duties of their office; that it does not contain one

sentiment of *their own* in contradiction to the disapprobation which Davison uniformly exhibited to every project for secretly putting Mary to death; that his opinions on them had always been expressed with a firmness which, when it is remembered that they were in direct opposition to the wishes of Elizabeth, and her powerful favourite Leicester, approached to temerity; that it was not until he was wearied by the Queen's importunity that he consented even to perform the duty of her Secretary, by conveying her wishes to Paulet; that in yielding to it he was actuated by the conviction that it would produce no effect; and that he only did it "to satisfy her," and to save himself from farther application, it is contended that no just censure can attach to his conduct for uniting with Sir Francis Walsingham in communicating the expressions to Paulet and Drury, which Elizabeth has used respecting them.

If Davison be acquitted of blame for signing the letter alluded to, the following extracts from letters, said to have been written by him, cannot, when fairly considered, be thought to affect his reputation.

Extract of a letter from Mr. Secretary Davison to Sir Amias Paulet, dated 1st February, 1586-7:

"I pray let this and the inclosed be committed to the fire; which measure shall be likewise meet to your answer, after it hath been communicated to her Majesty for her satisfaction."

A postscript in a letter from Mr. Secretary Davison of the 3d of February, 1586-7:

"I intreated you in my last to burn my letters sent unto you for the argument sake; which by your answer to Mr. Secretary (which I have seen) appeareth not to have been done. I pray you let me intreat you to make heretiques of one and the other, as I mean to use yours after her Majesty hath seen it."

In the end of the postscript:

"I pray you let me hear what you have done with my letters, because they are not fit to be kept, that I may satisfie her Majesty therein, who might otherwise take offence thereat: and if you entreat this postscript in the same manner, you shall not erre a whit."

The authority for these extracts is the same as that for the letter from Walsingham and Davison; hence, if that be admitted as genuine, there is no cause for doubting their authenticity.* It appears, from the first postscript, that the letter was accompanied by an inclosure, which was perhaps a private communication from Davison; and it is very much to be regretted that the letters from which these extracts were taken have not been preserved. When we have a paragraph for our consideration, the precise meaning of which must be conjectured, the most equitable mode of forming a conclusion on it is to compare it with the general conduct of the individual to whom it relates, and to make the opinions which it is *positively* known he expressed on the same subject the guide for discovering what is suppressed in that in question. Adopting this criterion, the probability if not the moral certainty is, that Davison's wish to have the letter from Walsingham and him-

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* Robert of Gloucester's Chronicle, p. 673, et seq.; into which they were copied from a MS. folio containing letters to and from Sir A. Paulet, when keeper of the Queen of Scots at Fotheringay.

self destroyed arose from the same motive as that which induced him, on his trial, so studiously to conceal all Elizabeth's suggestions for assassinating Mary; and the only source of which must have been the great regard he ever manifested for her honour and service. He was perhaps anxious that no memorial should exist of her wish to commit an act which he felt would tarnish all the glory she might acquire; and this generous devotion to his Sovereign has heretofore been adduced as a proof against his own conduct. With respect to Davison's anxiety that his private letters to Paulet should also be burnt, it is exceedingly likely that they contained his secret sentiments on the Queen's suggestions; and this conjecture is supported by all the evidence we possess. On the very day on which it is said to have been written he plainly expressed his disapprobation of them to the Queen in person; can it therefore be imagined that, without any inducement, he would, within a few hours, privately applaud the very plan which he had openly condemned? With what object could he neglect his own interest, by continually

combating the will of his mistress, and then advocate her inclinations to the very man, of whom he had a few hours before boasted, as possessing too much integrity to attend to them? If Davison could have so far deviated from his previous conduct as to have argued in favour of assassination, would he not have made his court to the Queen, by agreeing in the opinions which she had so frequently expressed, but which, as it has been often remarked, he resisted by every entreaty and argument he could use? And unless the construction which has hitherto been put on this imperfect evidence be rejected, Davison's conduct must have exhibited this unaccountable inconsistency. But if, on the contrary, we take his general sentiments on that subject, and his uniform uprightness of character, into consideration, and suppose, as it is strenuously insisted, that his private letter to Paulet exhorted him to persevere in an honourable course towards his prisoner, his anxiety to have it destroyed may fairly be attributed to his desire to conceal such a communication from Elizabeth, whose vengeance he must have dreaded, if she knew that he had ad-

vised Paulet to refuse compliance with her wishes. These observations only apply to the extract from the letter dated on the 1st of February, because it was in that only that any advice for *privately* disposing of Mary could have been contained; for on the 3rd of February, the date of the other postscripts, the warrant for *her execution* was dispatched by the Privy Council; and it is likely that the messenger who conveyed it to Fotheringay was the bearer also of Davison's second letter: and his request that it, as well as his former one, might be burnt, was in all probability prompted by his fears that his private correspondence with Paulet might have become known to the Queen, and not by his apprehensions that it would injure his reputation. All which these extracts can be allowed to *prove* is, that Davison and Paulet were sufficiently acquainted to produce a private correspondence; and this fact substantiates the conjecture that the latter was well aware of his sentiments relative to Mary. Every *probability* respecting the contents of these letters, which it is extraordinary have not been fully preserved, is strongly on the side

of Davison's having in them *condemned* instead of *advocated* Elizabeth's wishes. That Davison should not allude to these letters in his narratives is very singular; and the only motive to which we can justly impute his silence respecting them in some degree confirms the opinion that they censured Elizabeth's disposition towards Paulet's prisoner. There is little cause to doubt that the apologies were all written during her life, and one of them (which was drawn up whilst Davison was in the Tower) was, it is supposed, intended for her perusal. If in them he had acknowledged having advised Paulet and Drury to refuse to comply with her wishes, such an admission would most certainly have increased her anger towards him; and, from our knowledge of Elizabeth's character, we can have no difficulty in supposing that the servant who was suffering under her displeasure would not have accelerated its removal by avowing that he had endeavoured to frustrate the object of her earnest desire. From the reasons assigned it is so highly improbable that these letters were of an opposite tendency, that it would be almost absurd to argue on such an hypothesis.

The other charges which have been made against Davison* may be satisfactorily answered. No blame can be attached to him for delivering the warrant to the Lord Treasurer, *unless he had received the Queen's express commands to the contrary.* Although Elizabeth pretended to have ordered him not to allow it to go out of his hands, Davison positively asserts that she never gave him any such directions; and as it has been already stated, in his reply to the questions proposed by Hatton and Wolley, he solemnly protested that he never received any such command; and adds, that if he had he would not have concealed it from the Privy Council. Another error imputed to him is, for concurring in the proceedings of the Council when he knew that the members were *ignorant* of the Queen's application to Paulet. Davison informs us, that he related *every thing* which had passed between her Majesty and himself to the Vice-chamberlain; that in consequence they conferred with Burleigh; and that, when the Council met to deliberate on the Queen of Scots' execution,

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* See p. 145.

the Treasurer acquainted them with all which had taken place between Elizabeth and Davison;* and Walsingham, whom, as it will be afterwards proved, was one of the Council who attended on that occasion, had himself written the letter which conveyed her wishes to Paulet. From these facts it is almost certain that all the Council were well aware of the circumstance: indeed one of the causes which they assigned for dispatching the warrant without again referring to the Queen on the subject, "in case she might fall into any new conceit of interrupting and staying the course of justice,"† may almost be considered as evidence of their being acquainted with the conversation which had taken place between the Queen and Davison. But whether the Council were ignorant of the communication to Paulet or not, it was the duty of Walsingham, rather than of Davison, to have told them of it, because the former was his senior in office, he had been much longer accustomed to the duties of his station, and was possessed of a far greater share of Elizabeth's confidence; and

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* Appendix B. † Appendix A.

if *he* did not deem it necessary, Davison perhaps thought that it would ill become him to do what *such* a colleague had omitted. The other error imputed to him, which has been alluded to,* merits attention. It must be conceded that, on a first view, it appears unaccountable why, when the Queen spoke to him of assassinating Mary, after the Privy Council had resolved on her execution, he did not inform her that the fatal warrant was dispatched. His conduct will, however, upon examination, be proved to have been, in this also, strictly correct and justifiable. When the Privy Council forwarded the warrant they mutually agreed to obey her command, by "not troubling her to hear any thing more on the subject until it was concluded;" and the promise which Davison made them on that occasion he assigned, in his defence, as the cause of his not informing her, when she spoke of the Queen of Scots, that her execution had been ordered by the Council. The instrument for that purpose was sent from the Court on the 3rd of February; and the next

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* See p. 145.

morning Elizabeth related her dream, which, it is most likely, was merely a pretence for attending to the subject. Davison, however, as we have seen by his earnest question, obtained from her a vehement assurance that it was her intention to have the warrant executed. This information was all he thought necessary; and he properly paid little attention to her wish that "it might be otherwise done." The next time Elizabeth spoke of the Queen of Scots to Davison was on Sunday February 5th, when he told her of Paulet and Drury's refusal to comply with her wishes. She then recurred to her favourite scheme of assassination; and Davison again remonstrated with her on its impolicy and injustice; and as she did not express the slightest intention of deviating from the course which she had authorized, but on the contrary still appeared resolved on her death, he thought it unnecessary to break his engagement with the Council, by informing her of their proceedings. It was not until Tuesday February 7th that he again saw the Queen. After having dispatched the business which produced the audience, she accused him and the Council of neglect of

duty, in not having already executed the warrant, and commanded Davison to write a strong letter to Paulet to hasten it, as the delay increased her danger. This express approbation of Mary's execution would perhaps have induced him to acquaint her with what had been done, had he not entertained some suspicion of the object of her remarks; because, when he considered who the Privy Councillors were that had resolved on sending down the warrant, he presumed, notwithstanding their agreement to conceal it from her, that she was not ignorant how the affair actually stood. He consequently, as it has been said, merely replied that the warrant was sufficient, and that no private letter from him could justify such an act. But on that day it would have been, as he perhaps felt, almost useless for him to have informed Elizabeth of the measures which had been adopted; for if she had countermanded them, a messenger could not have reached Fotheringay in time to prevent the execution. Thus there were but three occasions on which Davison could have made her acquainted with the proceedings of the Council. On the *first*, he

received a *positive assurance, that she intended the orders which she had before given should be executed*; on the *second, she was so far from contradicting them, that she unequivocally shewed her determination to have Mary put to death;* and on the *third*, she not only *approved of her former commands, but directed him to hasten the fulfilment of them.* After Davison surrendered the warrant into Burleigh's hands, and the Council had resolved to carry it into execution, he could not, without a violation of his duty, act in opposition to its decision: his special commission from Elizabeth had then ended, and the duty was as imperative in every member of the Council, to have communicated what they had done to the Queen, as it was on him. For certain reasons they determined not to allow her to be informed of it until it was concluded; Davison joined in that resolution; and can it be deemed a fault, that he strictly adhered to an arrangement to which he had consented, and which was the deliberate decision of himself and his colleagues? One of the letters which accompanied the warrant, and which has been inserted in its proper place, has fortunately acquainted us

with the names of those who formed the Council on that occasion. They were, Elizabeth's prime minister, Burleigh; her favourite, Leicester; her relative, Hunsdon; the Lord High Admiral; the Earl of Derby; Lord Cobham; the Treasurer of her Household, Knollys; her Vice-chamberlain, Hatton; Walsingham; and Davison. Thus the Council who ordered Mary's execution was composed, almost entirely, of her ministers and the officers of her household, some of whom, we must believe, were as intimately acquainted with her sentiments and wishes as Davison himself. During the three days which elapsed between the signature and the dispatch of the warrant, and especially in the week before its execution, some, if not all of them, must have approached her presence; and it is impossible for us to doubt that, in the interval, she must have spoken to them of the Queen of Scots. If this was the case, and they informed her of the proceedings of the Council, the falsehood of Elizabeth's pretended ignorance is at once fully established. Davison was *assured* of her knowing it; and even supposing that all the others refrained from acquainting her

with what had been done, it is very unlikely that *Leicester* should have concealed it. If, however, they did not tell her that the warrant was forwarded, they are equal participators in whatever blame may be attributed to Davison; and whilst this supposition is an additional extenuation of *his* silence, it also corroborates his assertion relative to the agreement entered into by the Council. But, as it has been justly observed, it is very difficult for us to believe that those of her ministers in whom she most confided, together with her chief favourites, would assemble within her palace, and determine upon an act of such high importance, without her being aware of their proceedings.*

The conduct of Davison relative to the warrant for the Queen of Scots' execution has now been fully detailed, and, it is hoped, impartially canvassed. It is presumed that sufficient evidence has been adduced not only to justify it, but also to prove his perfect innocence of the charges

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* Rapin's History of England, vol. II. p. 133, and Robertson's Scotland, vol. II. p. 346.

brought against him by Elizabeth. Although the defence of Davison, and not the vituperation of his Sovereign, is the object of this work, it is impossible to avoid some severe remarks on her treatment of him. In the same proportion as her Secretary's innocence is established, her injustice, hypocrisy, and ingratitude, become apparent. Admitting for an instant, that "the tyrant's plea" of "state necessity" * solely actuated Elizabeth in consenting to her kinswoman's death, what possible excuse can be found for her dissimulation in producing that event, or for her sacrificing a faithful servant in the effort to preserve her own reputation? The means which she employed to make the ruins of another's fame the support of her own, has, by an act of retributive justice, become the instrument for exposing the depravity of her heart. Davison's de-

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* The definition given of "state necessity" by a celebrated orator is so just, and forms so great a contrast to what should have been Elizabeth's conduct, when she availed herself of such a pretence, that it is inserted without an apology: "State necessity," said the late Mr. Sheridan, in his brilliant speech on the Begum Charge, "is a tyrant which, when it stalks abroad, assumes a manly front, manifesting its powers, and acting at least with an OPEN, *if with a severe violence.*"

fence of his character has not only developed the meanness and treachery of Elizabeth's, but it has established his own integrity, and obtained for him a permanent triumph over his ungenerous mistress. In concluding this subject, the description given of it by the least partial of his Biographers is so laconic and expressive that it is gladly adopted: "Davison's grand case is briefly this: — Many Protestants thought themselves in danger while the Queen of Scots were alive; many Papists thought themselves undone while she was imprisoned. These last press her to some dangerous undertakings. Of the first, some were for securing, others for transporting, and a third party for poisoning her; to which purpose many overtures were made, though yet none durst undertake it that had either estate or honour to lose: being so wise as not to understand what was meant by the strange letters that were sent, else they might have fallen into this gentleman's fortune, who, unadvisedly, venturing between the honour and safety of his Sovereign, *was ground to nothing betwixt the fear of one party and the shame of the other*. But this mild, but stout,

because honest man was not so weak in the perpetration of his fault as he was wise in his apology for it, saying he would not confess a guilt and betray his integrity, nor yet stand upon a justification and forget his duty. He would neither contest with his Sovereign nor disparage himself, but clear himself as an honest man, and submit as a thankful servant and a good subject." *

It is indubitable, from the signatures to the letter from the Privy Council to the Earl of Kent, that Sir Francis Walsingham assisted at the Council which determined on Mary's execution; but it has been hitherto supposed that the illness which he assumed kept him from Court, and that he had no active share in the last proceedings against her. Such was the conduct he pretended to have followed; for, in his letter to Lord Thirlstone, the Secretary to the King of Scots, dated Greenwich, March 4, 1586-7, in which he endeavoured to prevent that Monarch from avenging his mother's death, Walsingham commences with saying, "Being *absent from Court* when the late execution of the Queen your Sovereign's mother hap-

* Lloyd's State Worthies, ed. 1670, p. 624, 625.

pened," &c. * This disingenuousness could only be exceeded by that of Elizabeth's; and it justifies our believing that when she endeavoured to remove the odium of Mary's death from herself, each of her ministers imitated her example, and ultimately laid it upon the unfortunate subject of these memoirs.

It is uncertain how long Davison remained in the Tower; but in all probability he was not released until two or three years after his committal. Elizabeth's cruel injustice closed his public life: and the heavy fine which was imposed on him, together with the loss of his salary, reduced him to poverty. But his character was even then considered as unimpeached; and a contemporary Poet † had the hardihood to address him in the following verses:

AD ORNATISSIMUM VIRUM GULIELMUM DAVISONUM, REG̃: SECRETARIUM.

Tempora læta diu vidisti, tempora dura
Sensisti, et variis fata inimica modis.
Flante, reflante tamen Fortuna, semper eundem
Te præstas, fortem scilicet, atque pium.
Macte animo, Davisone, tuo: Sic itur ad Astra.
Præmiolum virtus assolet esse sui. ‡

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* Saunderson's Mary Queen of Scots, ed. 1656, p. 128.

† Thomas Newton. ‡ Strype's Annals, vol. III. p. 447.

Many of his friends, and even one of the commissioners who condemned him, used their best exertions to restore him to the Queen's favour, but without success: he was never again admitted to her presence. His relative the Earl of Leicester died about eighteen months after his disgrace; and whether in that period he exerted himself in Davison's behalf, or kept alive Elizabeth's anger, is extremely doubtful. The Earl of Essex displayed a generous zeal in his cause; and his letters on the subject are so highly honourable to both, that their insertion cannot be considered improper. The originals from which several of them are taken are in the British Museum:* that which is considered the earliest is dated October 2nd, but the year is not mentioned. It was probably written soon after Davison's disgrace.

"SIR,

"I have as I could taken my opportunity, since I saw you, to perform as much as I promised you; and though in all I have been able to effect nothing, yet even now I

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* Harl. MSS. 290.

have had better leisure to solicit the Queen than at this stormy time I did hope for. My beginning was, as being among others entreated to move her in your behalf, my course was to lay open your sufferings and your patience. In them you had felt poverty, restraint, and disgrace; and yet you shewed nothing but faith and humbleness—faith as never being wearied nor discouraged to do her service — humbleness as content to forget all the burthen that had been laid upon you, and to serve her Majesty with as frank and loving a heart as they that have received greatest grace from her. To this I received no answer but in general terms, that her honour was much touched, your presumption had been intolerable, and that she could not let it slip out of her mind. When I urged your access she denied it, but so as I had no cause to be afraid to speak again. When I offered in your behalf to reply, she fell into other discourse, and so we parted. So all that I have done you know; what I shall, you shall prescribe. If you hear any thing by any man else, I pray you let me know it, for so I shall perceive whether she will open her heart more to me

or to them; which being known, I may deal accordingly. And so I commit you to God.

"Your most assured friend,

"R. Essex.*

"*Windsor, this 2nd of October.*"

The Earl of Essex's next letter to Mr. Davison contained a more favourable report of his applications to Elizabeth on the subject which he had so warmly espoused: as it has no other date than the day of the week, it is uncertain in what year it was written.

"*To my honourable Friend Mr. Secretary Davison.*

"Sir,

"I had speech with her Majesty yesternight, after my departure from you; and I find that the success of my speech (altho' I hoped for good) yet did much overcome my expectation. To repeat many speeches, and by matters as of my acquaintance with you and such like, that will be fitter for such a time when I shall have conference

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* Ayscough's MSS. 4108, p. 23.

with you; but in effect our end was thus: I made her Majesty see what in your health, in your fortune, and in your reputation with the world, you had suffered since the time that it was her pleasure to commit you. I told her many friends and well-wishers the world did afford you; and how, for the most part, throughout her realm, her best subjects did wish that she would do herself the honor to repair for you, and restore to you that state which she had overthrown: your humble suffering of these harms, and reverend regard towards her Majesty, must needs move a Prince so noble and so just to do you right; and more I had said if my gift of speech had been any way comparable to my love. Her Majesty, seeing her judgment opened by the story of her own actions, shewed a very feeling compassion of you. She gave you many praises; and amongst the rest, that which she seemed to please herself in most was, that you were a man of her own choice: in truth she was so well pleased with those things she spake and heard of you as I dare (if of things future there be any assurance)—I dare, I say, promise to myself that your peace will be

made to your own content and the desire of your friends. I mean in her favour and your own fortune to a better state than, or at least the same, you had; which as I wish in my heart, so will I employ myself to effect. And so in haste I commit you to God, this Tuesday.

"Your friend most assured,

"R. Essex." *

This letter is important, as it contains Elizabeth's admission of Davison's merits: but whether the inclination which she evinced to restore him was feigned or real cannot be determined.

Lord Grey about this time also exerted himself in Davison's favour, as is evident from the annexed letter.

"*To my very assured good Friend Mr. Davison give this.*

"Sir,

"According to your request, this evening I remembered you to my Lord Treasurer, who told me that not long since he had had

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* Harl. MSS. 290, f. 231, original.

some speech with her Majesty of you; and that he found not but that you rested in reasonable good terms of favor with her; yet in respect of her begun course she might not with honor saved make show of: whereunto, when his Lordship replied that yet she might underhand and in some other name relieve your low brought estate by her service only, and besides did put her in mind that by the last act of yours (what offence soever it had bred in her) she had reaped no small safety and quietness, as the occasions since have fallen out; she replied not to that matter, but only said that her Court was now fraught with such lynx's eyes as the motive of her doing for you in any such sort would be discovered; and therefore, by what I can perceive, your hitherto patience in God must yet still be your best medicine and comfort, and take these speeches as a . . . . . indeed (though now too open, thro' too common a use) to put off the reward of every good desert. Yet would I have you to remember, that the hearts of princes are ever in the hands of the highest Prince, and that he, unlooked for, will turn them to the avail of . . . . . and therefore

do not despair: for mine own part, whilst I am a courtier you shall not want a remembrancer; and so with a most true friendly affection I commend me unto you, and yourself to all the favors and blessings of our good God. At the Court this Thursday at night.

"Yours most assured,

"F. A. GREY." *

It must not be forgotten that Lord Grey, who thus advocated Davison's cause, was one of the Commissioners on his trial, and that he then defended him. The communication with Elizabeth, to which Grey alludes, was, it seems, made through Burleigh; hence it is necessary to examine the Treasurer's conduct towards Davison. From a paper which may be safely attributed to the Secretary, † the sincerity of Burleigh's assertion is very doubtful. From this evidence it appears that all noble feeling gave place to the cold calculations of interest, as he is charged with having neglected every

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* Harl. MSS. 290, f. 233, orig.

† Harl. MSS. 290, f. 237. Vide Appendix G.

means of serving Davison, and with ingratitude for the private services which he had rendered to his Lordship. Burleigh is also accused of having opposed every proposition, either for restoring him to his office, or for relieving his pecuniary difficulties, and with throwing obstacles in the way of his access to the Queen's presence. The motives imputed to him for this conduct are, his endeavours to place his son in Davison's situation of Secretary of State; his dislike to him, from his standing in the road to the Treasurer's wishes, and his knowledge of Davison's inflexibility in yielding to his humours when they were prejudicial to her Majesty's service; his jealousy of him, from the fear that if he was taken again into favour she would have the less occasion for his services, or those of his son; and to his wish to keep the management of all affairs in his own hands, with the view of rendering Elizabeth in constant want of his assistance, and thereby so to increase his credit as to prevent her enquiring into his estate and actions after his death. The evidence on which the above charges are founded are, Burleigh's observations to his particular

friends; the testimony of some of the Privy Council to Davison himself; and the conversation of the Treasurer's children, followers, and servants. To all suggestions for repairing Davison's fortune it is said that he objected either to the nature of the request, to the value, or by proposing something else, which, he remarked, might be more agreeable to her Majesty's inclination; but that the motive of all these obstacles was to impoverish and keep him under: and it is even asserted that Burleigh told Davison that he had opposed the propositions for doing so from fearing that if the Queen assisted him she would again employ him.

The only consideration that can lessen the weight which should be attached to these observations is, that they were written after Burleigh's death; and as that event took place in 1598, this paper may be considered as the last of Davison's writing, which is contained in the British Museum. Whether we coincide in the motives attributed to that minister for such a line of conduct or not, it is positive that there is no circumstance which can be adduced in contradiction of them; and

when we reflect on the influence which he possessed over Elizabeth, we can hardly doubt his success, if he had really urged her to restore Davison to her favour. It is well known that Burleigh was long anxious to have his son, afterwards the celebrated Earl of Salisbury, appointed her Secretary; and it is consequently very probable that these charges are well founded: hence arose his policy of preventing Davison from obtaining an audience of the Queen, lest he should excite a propitious disposition towards him. Camden states that she privately relieved his necessities by sending him small sums of money: although Lord Grey's letter does not positively contradict it, still the grounds she assigned for her refusal to the Treasurer, or perhaps the motive which he alleged in her name, render it unlikely.

No person was appointed to Davison's situation; and it appears from an expression in the Earl of Essex's letter to the King of Scotland, that he was considered rather as suspended than dismissed; and from this it has been asserted that during the last illness of Walsingham he performed the duties of

his office.* Before Essex took the extraordinary step of joining the expedition to Portugal, he wrote a very kind letter to Mr. Davison, telling him that as he had ever loved him, so now, in taking leave of his friends, he could not forget him, of whose love he desired ever to be assured, and whom he would wish to satisfy of all things which he did; and that if he was troubled with the suddenness of his unlooked-for journey, he begs that his resolute purpose to perform it, which could not be without secrecy, might excuse him. If he called it rashness, he (Essex) would rather allow it to be heresy than error, for that it was resolved many months before. If he doubted of the success of the event, he reminded him that the same good God which gave him a mind to undertake it would cause it to prosper, and enable him to return happy: and he concluded by desiring Davison to remember him to such other friends as in his absence he may find he is bounden to, especially to Sir Drue Drury and to Sir Edward Waterhouse. There is no date to

* Aikin's Memoirs, vol. II. p. 264.

this letter, but it was probably written early in 1589, a few days before the Earl's departure. Sir Drue Drury, thus spoken of, was one of the governors of the Queen of Scots at Fotheringay; and it proves that Davison was personally acquainted with him, which substantiates the conjecture that his communications to Paulet and him, before alluded to, were of a confidential nature. Essex returned to England in June the same year; soon after which he wrote to Davison.

"SIR,

"As at my departure, so upon my return, I must needs salute you as one whom then, and now, and ever I must love very much. I would gladly see you, but I am tied here awhile. When I may have occasion to shew my love to you I will do more than I will now promise. In the mean time, wishing you that happiness which men in this world ought to seek, I take my leave. At the Court this 11th of July, 1589.

"Your assured friend,

"R. ESSEX." *

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* Harl. MSS. 1323. Ayscough's MSS. 4108.

In April, 1590, the celebrated Sir Francis Walsingham died, when a contest arose between Burleigh and Essex for the appointment of his successor. The Treasurer exerted his influence, and ultimately procured it for his son, Sir Robert Cecil. The Earl of Essex used his utmost interest to obtain it for Davison; and, as it has been properly observed, although no suspicion can be entertained that the zeal which he uniformly shewed for the disgraced Secretary arose from any other motive than sincere friendship, still it must be remembered that the filling-up of this office was the decisive test of strength between the two parties. Essex left no means untried which the dictates either of ambition or friendship could suggest: he immediately applied to the Queen, and the arguments he used, as well as the success which attended them, are best shewn by his own account to Davison, which has been copied from the original.

"To my honorable Friend Mr. Secretary Davison.

"SIR,

"Upon this unhappy accident I have tried

to the bottom what the Queen will do for you, and what the credit of your solicitor is worth. I urged not the comparison between you and any other; but in my duty to her, and zeal to her service, I did assure her that she had not any other in England that would for these three or four years know how to settle himself to support so great a burthen. She gave me leave to speak, heard me with patience, confessed, with me, that none was so sufficient, and could not deny but that which she lays to your charge was done without hope, fear, malice, envy, or any respect of your own, but merely for her safety, both of state and person. In the end she absolutely denied to let you enjoy that place, and willed me to hold myself satisfied, for she was resolved. Thus much I write to let you know I am more honest to my friends than happy in their causes; what you will have me do for your suit I will, as far as my credit is any thing worth. I have told most of the Council of my manner of dealing with the Queen. My Lord Chancellor tells me he hath dealt for you also; and they all say they wish as I do; but in this world that is not enough. I will

commit you for this time to God, and rest

"Your constant and true friend,

"R. Essex." *

Essex, supposing that one cause of Elizabeth's refusal to serve Davison was her anticipation of the inference which the King of Scotland would draw from his appointment, wrote the following admirable letter to that Monarch.

"Most excellent King,

"For him that is already bound for many favors a style of thankfulness is much fitter than the humour of suing. But so it falls out, that he, which to his own advantage would have sought nothing in your favor but your favour itself, doth now for his friend become an humble petitioner to your Majesty. Your Majesty cannot be such a stranger to the affairs of this country but as you know what occasions are done in this place, so *you understand the minds of the men by whom they are done.* Therefore I doubt not but the man for whom I speak

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* Harl. MSS. 290, f. 235, orig.

is somewhat known to your Majesty, and being known, I presume of great favor. Mr. Secretary Davison being fallen into her Majesty's displeasure and disgrace, beloved of the best and most religious of this land, doth stand as barred from any preferment, or restoring in his place, except out of the honor and nobleness of your own Royal heart your Majesty will undertake his cause. To leave the nature of his fault *imputed, to your Majesty's best judgment, and report of your own servant*, and to speak of the man, I must say truly that his sufficiency in council and matters of state is such as the Queen herself confesseth in her kingdom she has not such another; his virtue, religion, and worth, in all degrees, is of the world taken to be so great, as no man in his good fortune hath had a more commendable love than this gentleman in his disgrace; and if, to a man so worthy in himself, and so esteemed of all men, my words might avail any thing, I would assure your Majesty you should get great honor, and great love, not only here amongst us, but in all places of Christendom where this gentleman is any thing known, if you should be the author of

his restoring to his place, which now in effect he is, but that as a man not acceptable to her Majesty, he doth forbear to attend. I do in all humbleness commend this cause to your Majesty, having the warrant of a good conscience, that I know to be both honorable and honest; and your Majesty to the blessed protection of the mighty God, to whom will pray for your Majesty's happy and prosperous estate, he that will do your Majesty all humble service.

"R. Essex.*

"*Greenwich, this* 18 *of April* (1589-90)."

It must be noticed, that in this application to the King of Scots, Essex never once appeals to his mercy or his forgiveness, but solely addresses himself to his *sense of justice.* Instead of explaining or extenuating the charges against Davison, he boldly refers the consideration of them to his own judgment; and even invites him to form his opinion of the Secretary's conduct from the report of his Ambassador at Elizabeth's Court when Mary was executed. At the same time

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* Ayscough's MSS. 4108, f. 23.

that he avoids mentioning, in express terms, the fault imputed to Davison, he hints his belief that James is well informed of the real state of the case; and lays the stress of his petition on the Secretary's merits and misfortunes: and he plainly insinuates that the latter were undeservedly produced by political considerations towards his Majesty, and that nothing but his interference would remove them. This solicitation may be deemed a full proof that Essex considered Davison's loss of favour as a sacrifice to James's resentment: would he have had the effrontery to ask the good offices of that Monarch, in favour of a man who had been convicted of having unwarrantably caused his mother's death, unless he was convinced that he saw through the veil which Elizabeth had thrown over her conduct? If Davison's innocence had not been manifest, Essex must have known that it was dangerous, under such circumstances, to trust to any human judgment; he must have supposed that James's mind was so prejudiced by resentment against the authors of his parent's execution, that unless he had imputed it to the right source, any petition in favour of the

instrument of that event would have been rejected with anger and disdain. The result of Essex's intercession with the King of Scots is unknown; but it will be subsequently shewn that he patronized Mr. Davison. James might, however, have declined complying with the Earl of Essex's request without its being attributed to his deeming him guilty of the charges imputed to him. Three years had only then elapsed since Mary's death; and he could not well have interested himself in his behalf without proving to Elizabeth that he did not credit her statement of that cruel transaction. If he thus tacitly ascribed it to her own commands, and not to her Secretary's rashness, he would consequently have had no pretence for remaining in amity with her, or for his own pusillanimity in not resenting her conduct: thus policy might have prevented him from manifesting any sentiment of kindness towards Davison during her life.

It has been ingeniously imagined* that her displeasure at what Davison had done was not the only, although it doubtlessly was

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* Aikin's Memoirs of Elizabeth, vol. II. p. 276.

the chief cause of the failure of Essex's generous exertions with the Queen. Elizabeth, it is said, feared that by granting the Earl's petitions she might render him confident and assuming; and she counterbalanced every personal favour to himself by a mortifying refusal of his suits for his friends. When he found all hope of obtaining Walsingham's situation for Davison was at an end, he endeavoured to procure it for Sir Thomas Bodley, but he was also disappointed; and there is but a solitary instance of one of his dependants being selected for her Majesty's service. Another motive for Elizabeth's refusal to confer the secretaryship on Davison has been ascribed to her distrust of his abilities for so difficult a situation.* Upon what this supposition rests it is difficult to determine; especially as the author who has hazarded it quotes the Queen's own admission that she was gratified by the reflection of having *herself chosen him for her Secretary — and that in her kingdom she had not a man so well qualified for that office.*† If Burleigh at that

* Aikin's Memoirs of Elizabeth, vol. II. p. 276.

† Essex's letters.

time, from a regard to his own interests, represented Davison as incapable of filling it, the inducement prevented his giving an impartial and sincere opinion; for a few years before he expressly told Elizabeth it would be difficult for her to find a person so capable *in every respect for his situation*, and that if she dismissed him, *the loss would be less Davison's than her own:* and even this was a *qualified admission* of his talents, as it has been already said he at one time intended to have spoken in much stronger terms of them.*

During the first three years after Davison's dismissal he refrained from any personal application to Elizabeth: he trusted his cause to the zeal of his friends; and we have seen that some of them justified the confidence he placed in them. The ill success of their exertions became so apparent after Walsingham's death, that, as a last effort, he wrote to the Queen; and the following copy of his letter is made from the transcript of the original in his own handwriting.†

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* Vide a preceding page.

† Cottonian MSS. Galba, D vii. f. 289.

"*To the Queen's most excellent Majesty.*

"MOST GRACIOUS SOVEREIGN,

"The care and respect I have had to do nothing, willingly, that might give your Majesty the least matter of offence and indisposing you, hath made me more slow to trouble your Majesty with a letter, the rather in hope that either the time, the mediation of my honorable friends, your Majesty's own experience of my duty, or which (I most presumed of) the goodness of your own most frank and gracious nature, would long ere this have removed the cause, and inclined your heart to a more favorable compassion of myself and my troubles than hitherto my unhappy condition hath tasted of. But seeing it hath pleased God, which hath the hearts of princes in his own hands, for my great trial and troubles, to give so contrary success to all my hopes as that I rather find my grief and troubles from day to day increased, my friends wearied and distasted, my cause neglected, my self on all sides abandoned, my poor estate utterly ruined, and that which I esteem my greatest discomfort, your Majesty's favor and presence, absolutely still denied me: notwith-

standing all the humble and earnest suit that I have since my enlargement continually made by myself and my friends in that behalf still denied me, as one unworthy to partake in those ordinary favors which your Highness is not wont to deny even to the meanest and many times worst affected subjects. I trust I shall appear the more reasonable, if, after so long hopes and patience with so little fruit, I do now adventure in these few lines, all other means failing, to lay mine own unhappy estate before the eyes of your gracious and princely consideration. How careful I have been, throughout the whole course of my poor life, both private and public, abroad and at home, to discharge an upright and faithful duty towards your Majesty, and how far from a disposition to do any thing willingly that might deserve your offence, there is a God can witness with my soul. And yet such has been my hard and miserable hap, above all others, as even that service when I had care to deserve best, as intended with all uprightness of heart, performed (as near as I might) with all loyalty and faithfulness, and grounded upon no other respect in the world

than the duty of my place, love to my country, and care of your Highness' surety and service, is become, I know not how, the cause of that your Majesty's grievous displeasure, which now these four years* have been heavily upon me, linked with so many other crosses and afflictions as would have overthrown both body and mind of one much stronger than myself, if the inward testimony of mine own heart and experienced goodness of your princely clemency, even towards those that have deserved worse, had not fed me with the hope of some better issue than any suit of mine own, or labour of my friends, hath hitherto been able to purchase for me. What cause of mine moved your Majesty to conceive and continue this long and heavy displeasure against me I would be loth to enter into further than becomes him that hath a most reverend opinion of all your actions; yet premising the reason commonly yielded is the greatness of my offence, I trust your Majesty will give me leave to presume thus

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* The words "almost six years" are written over "four years;" but as the latter is correct it is preserved in the text.

much of your princely dignity, that, howsoever my poor duty and service in that behalf may stand accused, and my fault censured and aggrieved by others (which haply for particular respects best known to your Majesty may increase my disgrace, and add afflictions to the afflicted), yet when your Highness shall, in your own equal and indifferent judgment, be pleased to weigh the nature of the cause itself, the part and interest I had therein, and respect wherewith I was carried thereunto amongst the rest (which I doubt not but your Majesty's own conscience will clear from ambition, malice, hope of reward, or other sinister or particular end whatsoever), with the happy success it hath had in the surety of your Royal person and preservation of the State, both of religion and commonwealth, both abroad and at home, you will, in the goodness of your most gracious and honorable nature, whereof your very enemies have so plentifully tasted, esteem the punishment I have already sustained (with a most equal and willing mind in respect of your good) a full and sufficient satisfaction for so happy an error being construed to the worst, as

this hath produced, both generally and particularly to yourself and to others. What maketh me the bolder most humbly to beseech your Majesty, howsoever it may be used as a common argument to withhold and keep me from your gracious presence, disable me for your service, and deprive me of that place which it hath pleased your Majesty to call me unto (of all men most unworthy) with some testimony of your good favor, though [attended] with little other use or profit hitherto than utter disgrace and undoing, you would, notwithstanding, have that princely care and consideration of my former life spent (if not lost, as the case standeth with me) in your service, and [my] present contemptible estate utterly ruined by my troubles, as that so happy a fault as this imputed to me having brought forth no worse effects than the common safety of your life and state, with the infinite comfort of all your honest and faithful subjects, be not turned to the only disgrace, danger, and utter undoing of me and mine. Howsoever it be, I will comfort myself with this hope, that as it hath pleased God to use me amongst others in

this never so happy safety of your Majesty and good for my country, so will he in his good time dispose your royal heart to conceive of me, as of a poor wretch that desireth nothing so much, or holdeth any thing so dear in this life as your gracious favour and good opinion. In the meantime reposing myself upon his providence that hath the ruling of the hearts of princes, I do most humbly beseech him to confirm and increase his manifold favours and mercies towards your Majesty, with a long, happy, and prosperous life and reign over us, to his own glory and your endless comfort.

"From my poor desolate house in London, this vii of December, 1590.

"Your Majesty's most humble and faithful subject and servant, who hath no hope but in the goodness of your royal nature, nor desireth life without your favour.

"W. DAVISON."

From a note with which Davison has indorsed the copy of this letter, it appears that it was first presented to Elizabeth by Mr. Thomas Knevit; and afterwards by the Earl of Essex, but that she refused to re-

ceive it. To what other cause but that perverse feeling of the human heart, which prevents our pardoning those whom we have injured, can her implacable anger towards Davison be attributed? Not contented with rejecting the earnest petitions of her favourite, she treated the humble and pathetic remonstrance of the man who had suffered so severely from her injustice with cold and mortifying contempt. Thus the only reward of a long life, spent with unremitting zeal and fidelity in her service, was poverty and reproach: and his vigilant care for her personal safety, as well as the deep interest which he always evinced in her honour, was repaid by her utmost endeavours to ruin his fortune and reputation. In the destruction of his prospects and estate she but too well succeeded; but the character of an individual can neither be established by the smiles, nor destroyed by the frowns, of Majesty. An honourable fame can only be acquired by public integrity and private virtue; but when attained it belongs to posterity. The splendour which surrounds the actions of royalty becomes dimmed by the revolution of two hundred years: then at least, the conduct of

the monarch and the subject may be examined with impartiality. That of Elizabeth and Davison in the transaction which proved so fatal to the latter, has now undergone a rigid scrutiny, and it is for the world to decide between them. To the admirers of integrity and virtue, to those who will not suffer even the regal robe to be a palliative for meanness, injustice, and hypocrisy, the character of William Davison is confidently entrusted; and if new matter should be discovered, by which it could undergo a more rigorous investigation, it would in all probability only the more fully confirm his claims to our respect.

After the failure of what Davison considered his last hope, of moving either Elizabeth's justice or pity, he retired to his house at Stepney. Excepting that on the 21st of November, 1597, he wrote to Sir Robert Cecil, stating the circumstances of a debt due from the Queen to Sir Horatio Palavicino,* and some letters to him from his eldest son which will be noticed hereafter,

* Cottonian MSS. Caligula, C ix. f. 455-6. A copy of this letter would have been inserted, but the MS. containing it has been unfortunately either mislaid, or destroyed in the fire to which many of the Cottonian manuscripts were exposed.

nothing more is known of him until a few years subsequent to the accession of James.

Early in 1601 Davison lost his firm and zealous friend, the Earl of Essex: his usual prudence and loyalty must have made him condemn the desperate projects of that impetuous nobleman, but it is impossible he could have been otherwise than deeply affected at his fate. Elizabeth died on the 24th of March, 1603: sixteen years had consequently elapsed since Davison's dismissal; and as the fine levied on him by the Star Chamber had exhausted his private fortune, it is difficult to imagine on what funds he subsisted in that period, excepting it was on those sums which in his will, he states himself to be indebted to his friends.

In the year 1578, the Queen granted him the reversion of the situations of Custos Brevium of the King's Bench, and Clerk of the Treasury and Warrants. When he came into possession of these places is uncertain, but as he had no other means of providing for his family, he solicited his Majesty to grant those offices after his demise to George Byng, of Wrotham, in Kent, and Henry Byng, of Gray's-inn, Esquires, on trust, the profits

arising therefrom to be applied to the payment of his debts, and for the provision of his children. This generous monarch was perhaps, as Essex supposed, well aware of the facts attending his mother's execution, and hence he was possibly impressed with compassion at the cruel injustice which Davison had experienced: it is not unlikely that he considered him as a faithful servant plunged into poverty and distress, for having strictly fulfilled his duty; and although from political reasons, he was prevented from manifesting his opinion before he succeeded to the Crown, he now readily seized an opportunity of serving the man who had been persecuted and defamed, with the view of directing his resentment from the proper object. On the 25th of July, 1607, his Majesty granted his letters patent for complying with Davison's request. * It reflects much honour on James, that he should have surmounted the prejudice which he must have naturally felt against one *accused*, and even *convicted* of causing his mother's death, by allowing himself to be persuaded of his innocence; and by thus serving him, he

* Harl. MSS. 830, f. 115.

testified to the world that such was his view of Davison's case. James was probably the more inclined to oblige him from his being personally known to him, whilst the Queen's ambassador at his court, on which occasion he had the honour of dining with him: but Davison's advanced age when he ascended the throne was a sufficient obstacle to his conferring on him an appointment of importance.

This satisfactory proof of the King's sentiments and disposition, must have been highly gratifying to Mr. Davison, and was the best solace which his wounded mind could have received. But he did not long survive the success of his application, as he died on the 21st or 22d of December, 1608, and was buried at Stepney on the 24th of that month. The registry of that church contains the following entry, among the burials,

"December 1608, William Davison, of Stepnie, Esquire, sometyme Secretary to Queen Elizabeth, xxiiij day."

His exact age cannot be ascertained, but it is most likely that he was very old; for allowing that he was only twenty-five when sent into Scotland in 1566, he must at the time

of his death have been nearly seventy, and the probability is, that he was much older.

The public character of this unfortunate Statesman has been so fully delineated in the preceding pages, that it is unnecessary to add to what has been already said. The integrity by which it was uniformly marked, emanated from those principles of piety of which he has left strong evidence.* In private life he appears to have exercised every endearing duty, and to his children he was a kind and indulgent parent.† Of his person there is no other information than the remark made on it by an individual who was present at his trial, from which it appears that he was a handsome man, with a grave expression of countenance, and possessed of a fine voice: his temper was peculiarly mild and benign, his manners urbane and persuasive; and he has been described "as the sweetest man living." ‡ His abilities are sufficiently shewn by the success which attended his

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* Vide two papers in Harl. MSS. 290, f. 271, 272. the one proving "that afflictions are profitable to the children of God;" and the other a religious "description of our lives by the adjuncts, short and miserable."

† Vide a letter in a subsequent page from his eldest son.

‡ Lloyd's State Worthies.

diplomatic exertions; and besides the correspondence connected with those missions, there are several other articles written by him, and preserved in the British Museum,* some of which display considerable talent: of these his letter to Elizabeth, dissuading her from a peace with Spain, written in 1587, which is of great length, and exhibits much political knowledge, and his instructions for a traveller, intended for his son, merit attention. There are also one or two

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* The articles among the Harleian MSS. in the British Museum, which are attributed to Davison, not already noticed, are,

290, f. 254. Reasons against the liberty of the Queen of Scots.
f. 254 b. "That the association would be dangerous."
f. 255. Remarks concerning many of the Scots nobility.
f. 259. Names of the free boroughs in Scotland, written 25th March, 1583.
f. 260. Names of persons of rank put to death during the reigns of Henry VII. Henry VIII. Edward VI. and Mary.
f. 261. "Observables to be noted by a traveller."
f. 262. Three months observations of the Low Countries, especially Holland; an imperfect satire.
f. 263. A censure on Machiavel's Florentine History.
291, f. 61 and 65. Names of the nobility of Scotland, &c. in 1582.
f. 66. Short general notes touching some of the Scots nobility.
f. 71. Information relating to the Duke of Lennox.
f. 77. List of the nobility of Scotland.

poetical effusions, but they are scarcely worthy of notice. A copy of one of them is, however, inserted. It was probably written after his dismissal from office; and his misfortunes appear to have been the only subject on which his Muse employed herself.

> Virtue and learning were, in former time,
> Sure ladders by the which a man might clime
> To honour's seat; but now they will not hold,
> Unless the mounting steps be made of gold.

Another is on "Semper eris pauper." *

291, f. 80. List of such of the nobility of Scotland as are distressed.

f. 81 to 112. Letters to and from Davison on Scottish affairs, and other papers relating to his mission.

286, f. 84. Key to the cypher used by Mr. Davison.

285, f. 250. Distribution of the provinces and towns in the Low Countries.

304, f. 79 Heads for a relation of the present State of England.

288, f. 149. "Whether her Majesty had better proceed with the French match or no."

289, f. 2. Names of the Lords of Sessions.

295, f. 209. An abstract of argument, &c. against the peace with Spain, written for the Earl of Essex.

588, f. 3. "Tabula analytica politica," containing also several pedigrees.

168, f. 197. A letter to Elizabeth, dissuading her from a peace with Spain, written in the year 1587.

6893, f. "Most brief but excellent instructions for a traveller, written for his son."

Lansdowne MSS. 982, f. 97. Notes by Mr. Secretary Davison.

* Harl. MSS. 290, f. 256.

As a genealogist he was much more fortunate than as a poet; and his compilation of pedigrees, chiefly relating to the nobility of Scotland, attest his information on that subject to have been far from contemptible.

The attempt to discover the spot where Davison was interred was unsuccessful: not the slightest memorial of him exists besides his virtues and his misfortunes. But these are imperishable monuments; and whilst the fate which befel this celebrated Statesman, must ever tarnish the splendid actions which distinguish the reign of Elizabeth, it will afford this useful and important lesson, that although ingratitude and neglect may await the most faithful services, yet that succeeding ages will amply atone for temporary injustice, by bestowing on those who have unmeritedly suffered from the selfishness of a vindictive Sovereign, their sympathy, their respect, and their admiration.

To the Life of William Davison some particulars respecting his family, one of whom is well known for his poetical talents, will not, it is presumed, be deemed an uninteresting addition. His will, which was written with his own hand a few days before his death, affords considerable information about his domestic affairs; and a copy of it has therefore been obtained.

Extracted from the Registry of the Prerogative Court of Canterbury.

"In the name of God, amen: The eighteenth day of December, in the year of our Lord one thousand six hundred and eight, I William Davison, of Stepney, in the County of Middlesex, Esquire; being weak in body but of good and perfect memory, through God's goodness, make this my last will and testament, in manner and form following: First, I bequeath my soul into the hands of my most gracious and merciful God in Jesus Christ, through whose merits only I expect and wait for, with all his Saints, a happy and blessed resurrection at his glorious and bright appearance; my

body I bequeath to be buried in Christian and comely sort; and touching the disposition of my outward estate, whereas it pleased the King's Majesty to grant unto me the office of Clerk of the Treasury and Warrants, and Custos Brevium of the King's Bench, for the term of my natural life, and after my death to George Binge, of Wrotham, in the county of Kent, Esquire; and Henry Binge, of Gray's-Inn, in the county of Middlesex, Esquire; for term of their natural lives, successively one after another, whose names were used only of trust by me, the benefit of the said office to be wholly to me and my assigns during the lives of them, and the longer liver of them. And whereas, I have always found the said George Binge and Henry Binge my kind and loving, and most faithful friends, and that they the said George Binge and Henry Binge stand engaged for me, and monies by me owing to divers and sundry pesons in great sums of money. And whereas, I have also mortgaged to the said George Binge and his heirs the house at Stepney, wherein I dwell, with the gardens, orchards, and other commodities thereto belonging, for the payment of

seven hundred pounds, at a day yet to come, which money being satisfied and paid, together with such damages as shall grow for the forbearance, I nothing doubt but the said George Binge will hold himself satisfied, though the money be not paid at the very time appointed for the redemption of it. And having a great desire that the said George Binge and Henry Binge should first and before all pay themselves, and to the end no other of my creditors may be unpaid; and yet, my sons and daughters have some reasonable and competent maintenance, I do therefore appoint my said house and land in Stepney to be sold by the said George Binge and Henry Binge, or the survivor of them, at their good pleasure; and the money thereof coming to go towards the payment of such debts as I owe to them, or as they stand bound for with me or for my debt. Also, I will that the said George Binge and Henry Binge, or one of them, shall exercise my said office, and the profits thereof coming, receive and take until such time as they shall or may have levied thereby, and by the sale of my said house and lands, and of my goods, sufficient

to pay to themselves, whom my desire is to have first of all satisfied, all such sums of money as I owe unto them, or as they stand bound for as aforesaid; and afterwards to my son Duncombe all such sums of money as I owe unto him, or he standeth bound for me; and then to all other my creditors the profits of the said office to be by them employed and bestowed in manner hereafter following, that is to say: that they do yearly at the four usual quarters of the year, by even portions pay out of the profits of the said office, to Francis Davison, mine eldest son, the sum of one hundred pounds of lawful money of England; and to Christopher Davison, my second son, the sum of fifty pounds of like lawful money; and to William Davison, my third son, the sum of thirty pounds of like lawful money; and to my sister Anne Carpenter, widow, ten pounds yearly; and also, that they do pay yearly for and towards the satisfying of the portions of my two daughters that are married these sums following, that is to say: to my son Towneley, his executors or assigns, the sum of one hundred pounds of lawful money of England yearly, the two first years after my death,

and fifty pounds the year next following, which sum of two hundred and fifty pounds, the residue of the portion for mine eldest daughter's marriage money; and to my son Duncombe, his executors or assigns, the sum of one hundred pounds of like lawful money, till the sum of five hundred pounds be fully paid, being the portion for my second daughter's marriage money, which five hundred pounds being paid, then the bond which I stand bound in to my son Duncombe, or some other for him, to be taken in and cancelled; and the residue of the profits of the said office, that they the said George Binge and Henry Binge do receive and take for and towards the satisfying of my said debts; and after sufficient be levied for the payment of all and singular my said debts, and my two daughters said portions, then my will is, and I do earnestly desire the said George Binge and Henry Binge to assign and set over the said office, and all the profits thereof, together with the execution of the said office, to the said Christopher Davison my second son, upon sufficient security by him first put in, to the said

George Binge and Henry Binge, as well to pay to my said son William Davison during his life, and after his death to such children as he shall leave of his body, the sum of one hundred pounds of lawful money of England quarterly as aforesaid; and also to allow to my said son Francis Davison, during his life, and after his death to such children as he shall leave of his body, one half of the clear yearly profits of the said office. The said hundred pounds by the year, and the said one half of the yearly profits to be so paid and allowed during the natural lives of the said George Binge and Henry Binge, or of the longer liver of them; and if my said son Christopher Davison shall not be able, or do not put in sufficient security (as aforesaid), then that the said George Binge and Henry Binge will be pleased to distribute the yearly profits of the office that shall arise and grow (de claro), among my said three sons as aforesaid, (that is to say) to William my son one hundred pounds yearly, and the residue of the yearly profits equally to divide between my said sons Francis and Christopher, for and until such time as my

said son Christopher shall be able, and do put in sufficient security as aforesaid; and whereas I have also passed over to the said Henry Binge the profits of divers parcels of the said office for a certain term, for his security for five hundred [pounds] or thereabouts, now I earnestly desire him, that he would be pleased (as my hope is he will), that the said sum . . . . . being satisfied by such means as aforesaid, with reasonable damages for the forbearance, the said parcels may go in and be accompted with the rest of the said office, to be employed according to the true meaning and intent of these presents; and I desire the said George Binge and Henry Binge to be content to take upon them the burden of being executors of this my last will and testament, and do appoint all and singular my goods and chattels to go towards the payment of my debts. Item, my will and meaning is, that if my said son Christopher Davison, shall at any time put in sufficient security to the said George Binge and Henry Binge, or the survivor of them, to pay as well the portions before appointed to my sons, and for the

marriage money of my daughters, as also my debts in form before-mentioned, that then the said George Binge and Henry Binge do forthwith thereupon assign and set over the said office, and all the profits thereof, together with the execution of the said office to my said son Christopher. In witness of this to be my last will, I have set my hand to every sheet hereof, being three sheets in all, the day and year abovesaid.

"W. Davison."

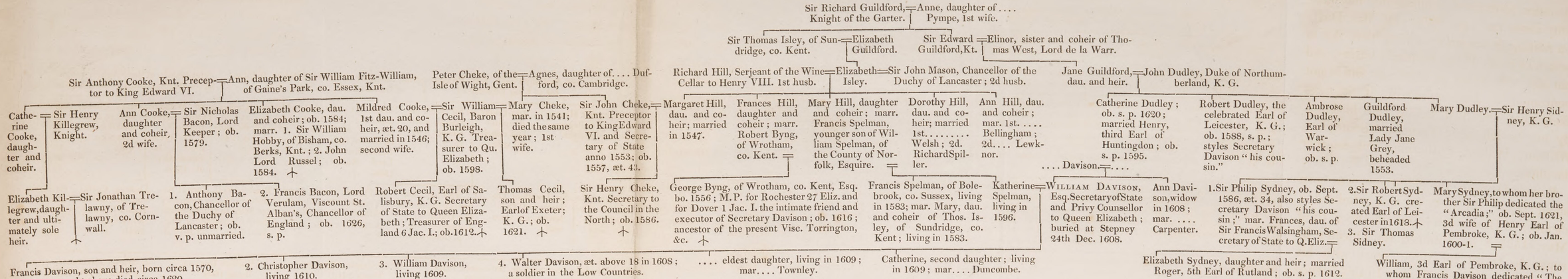
This Will was proved in the Prerogative Court of Canterbury on the 9th of January, 1608-9, by the executors, and letters of administration were granted to the testator's daughter, Catherine Duncombe.

Mr. Davison married Catherine the daughter of Francis Spelman, younger son of William Spelman, of the county of Norfolk, and a near relative of the celebrated Sir Henry Spelman: her mother was Mary, the daughter and coheiress of Richard Hill, Esq. serjeant of the wine-cellar to Henry VIII. by Elizabeth, daughter of Sir Thomas Isley, of

A GENEALOGICAL TABLE,

Shewing the Connection between WILLIAM DAVISON, Secretary of State to Queen Elizabeth, and LORD BURLEIGH, the EARL OF LEICESTER, SIR JOHN CHEKE, SIR PHILIP SYDNEY, BACON VISCOUNT ST. ALBAN'S, and other distinguished Personages.

[*To face page* 213.



Sundridge, in Kent, knt. This alliance connected Davison, as is shewn by the genealogical table, with the Earl of Leicester, Lord Burleigh, Sir John Cheke, the Byngs of Wrotham in Kent, and with other persons of considerable eminence. At what period this union took place is uncertain, but probably about the year 1570. Of Mrs. Davison nothing is known excepting that she is spoken of in Sir Philip Sydney's letters, and that she was living in 1596: as she is not mentioned in Davison's will, it is most likely that she died before her husband. By her he left issue Francis, Christopher, William, Walter, Catherine, and another daughter.

Francis Davison, the eldest son, was born about 1575. In 1593 he was admitted a member of Gray's Inn; and on the 27th of May, 1595,* he obtained the Queen's licence to travel for three years with his tutor, Edward Smyth, M.A. In this licence he is described as "Francis Davison, of

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* Harl. MSS. 38. f. 188.

Gray's Inn, Gent." They are allowed to take with them one servant, two horses, and fifty pounds in money. There are two letters extant from Mr. Smyth to Mr. Davison, relative to his son's expences. The one dated Venice, 22d January, 1595-6;* in which he states that the sum of £.100 a year, which he allowed his son, was not sufficient, and that he ought to have two hundred; it is addressed, "To the Right Honorable Mr. Secretary Davison, at his house in Stepney, give these." The other letter is also from Venice, and is dated on the 16th of February following:† the subject is the same as the preceding, and contains the following passage: "So good Mr. Francis is now a man, and your son, and not so easily ruled touching expences, about which we have had more brabblements than I will now speak of." It concludes by requesting an immediate supply of money, "the young gentleman being humoursome and extravagant." In the British Museum are two let-

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* Harl. MSS. 296. f. 114. † Ibid. f. 111.

ters from Francis Davison to his father; the first is from Lucca, Nov. 6, 1596,* and another from the same place on the 20th of that month. In the latter, which is directed "To the Right Honorable and my very good father, Mr. Secretary Davison, at his house at Stepney, near London," he gives him information relative to affairs on the Continent; he alludes to his father's misfortunes, and enquires if his friends are faithful; and assures him that he must soon be restored to favour. This letter is adorned with Latin and Italian quotations, and is evidently the production of a scholar and a gentleman: he promises to send his remarks, if his good Lord † approved of the last, and desires to have introductions to different Courts; and after apologizing for the expence which he occasions, he begs to be remembered to his mother, and expresses his gratitude to so good and kind a father; he then signifies his intention of going to

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* Ayscough's MSS. 4122. f. 35. and 103. As both these letters are printed in Birch's Memoirs of Elizabeth, pp. 185 and 204, they are not inserted.

† The Earl of Essex.

Vienna in the ensuing April, and thus concludes:

"And so, desiring the continuance of your favor, the excuse of my follies, and to be recommended to Mr. Anthony and Mr. Francis Bacon, * Mr. Wade, and the rest of my dear and honorable friends, and, lastly, to my beloved sisters and brothers, I humbly take my leave, with my prayers for your help and preservation.

"Your most obedient and loving son,

"FRA. DAVISON.

"*Lucca*, 20 *of November*, 1596,
Stilo Novo."

Whilst on his travels he sent the Earl of Essex an account of Saxony, † to which his Lordship alludes in the following letter to him:

"*To Mr. Francis Davison in Italy.*

"If this letter do not deliver to you my

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* Afterwards the celebrated Viscount St. Alban's, to whom Davison, through his mother's family, was remotely allied.

† Birch's Memoirs, vol. II. p. 91.

very affectionate wishes, and assure you that I am both careful to deserve well and covetous to hear well of you, it doth not discharge the trust I have committed unto it. My love to your worthy father, my expectations that you will truly inherit his virtues, and the proof I have seen of your well spending abroad, are three strong bands to tie my affections unto you. To which when I see added your kindness to myself, my reason tells me it cannot value you or affect you too much. You have laid so good a foundation of framing yourself a worthy man, as, if you now do not perfect the work, the expectation you have raised will be your greatest adversary. Slack not your industry in thinking you have taken great pains already. *Nunquam enim nec opera sine emolumento nec emolumentum sine impensâ est. Labor voluptasque dissimiles naturâ societate quadam naturali inter se conjuncti sunt.* Nor think yourself any thing so rich in knowledge or reputation as you may spend on the stock, for as the way to virtue is steep and craggy, so the descent from it

is headlong. It is said of our bodies, that they do *lentè augerere et cito extinguuntur;* it may be as properly said of the virtues of our minds. Let your virtuous father, who in the midst of his troubles and discomforts hath brought you, by his care and charge, to that which you are, now in you receive perfect comfort and contentment. Learn *virtutem ab illo, fortunam ab aliis.* I write not this suspecting that you need to be admonished, or as finding myself able to direct; but as he that when he was writing took the plainest and naturalest style of a friend truly affecteth to you: receive it, therefore, I pray you, as a pledge of more love than I can now shew you; and so, desiring nothing more than to hear often from you, I wish you all happiness, and rest

"Your very affectionate

"R. Essex.*

"*Whitehall*, 8 *January*, 1596."

A correspondence, which is extant, between Mr. Davison and Mr. Anthony Ba-

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* Harl. MSS. 248, and Ayscough's MSS. 4116. f. 102. Printed in Birch's Memoirs, vol. I. p. 365.

con, the brother to the immortal Bacon, does not contain any thing of importance.*

In 1602 Francis Davison published the first edition of his "Poetical Rhapsody," containing a collection of Sonnets, Odes, Elegies, Madrigals, Epigrams, Pastorals, Eclogues, with other Poems, which he dedicated to the Earl of Pembroke, to whom he was distantly related.† Many of these were written by his brother Walter and himself; but the greatest part were the productions of miscellaneous authors. This work has been pronounced by an able critic to be the most valuable and curious collection of its day;

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* It consists of the following letters, part of which are published in the above-mentioned Memoirs.

Ayscough's MSS. 4121. f. 127. Francis Davison to Anthony Bacon, Sept. 21, 1596.

Ibid. 4120. Anthony Bacon to Mr. Francis Davison, August 7, 1596.

Ibid. 4121. f. 127. Francis Davison to Anthony Bacon, Sept. 21, 1596, from Florence.

Ibid. 4121. f. 265. Ibid. from Lucca, Oct. 16, 1596.

Ibid. 4122. f. 130. Anthony Bacon to Francis Davison, Nov. 24, 1596.

† Vide Genealogical Table.

and it has procured for its editor a celebrity which ranks him high amongst the poets of that age: it went through four editions; the second in 1608; the third in 1611; and the fourth in 1621. As it had become exceedingly scarce, Sir Egerton Brydges has obliged the world by republishing it; and he has added the versification of some Psalms by Francis Davison and his brother Christopher. *

The fate of Francis Davison remains enveloped in mystery. The editor to whom the public are indebted for this collection of

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* These Psalms are taken from Harl. MSS. 6930, which is entitled, "A Translation of a few Psalms of David, by Mr. Francis Davison, Jo. Bryan, Richard Gipps, and Christopher Davison." In the first page the following complimentary "introduction to as many of the Psalms as are of Mr. Francis Davison's composure" is written by W. Bagnall:

These Psalms, so full of holy meditation,
Which David sung by heavenly inspiration,
Our souls, by as divine an imitation,
Ravish and bless anew in this translation.
Cease not this holy work, but one by one
Chaunt o'er these heavenly hymns, which may be done
In divine measures, as they are begun,
Only by David's self or *David's son!*

his works, conjectures that he was a dependant on the Court, and died before 1621. It is certain that, although belonging to an inn of court, he was never called to the bar. The following elegant remarks on him are an appropriate conclusion to these particulars of this accomplished man. "It is not easy to guess how it could have happened that a man of Francis Davison's talents and acquirements should have gone to his grave without having left to posterity any other traces of his existence than this single literary present. The ardour of mind which is an inseparable ingredient of poetical power is almost always accompanied by ambition, or at least a strong love of fame. It was not the world's insensibility to this production which blighted his hopes and destroyed his spirits: for this was certainly well received and very popular. In the present day it is scarcely possible that such a man could have died utterly unnoticed." *

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* Gentleman's Magazine, November, 1817.

Of Christopher Davison, the second son, very little is known. It is believed that he was admitted a member of Gray's Inn in the year 1597; and, excepting his being mentioned in his father's will, and that he translated some Psalms, the only thing positive which has been ascertained about him is, that soon after his father's death he presented the following petition to Parliament relative to the situation of Custos Brevium of the King's Bench:

"In March, 1609 * [1610], Christopher Davison petitioned Parliament, setting forth, that Queen Elizabeth, by letters patent 19th January, 21 Eliz. granted to William Davison, Esquire, the office of Custos Brevium of the King's Bench, habendum after the death of one Richard Payne, then Clerk of the same office. The King's Majesty, after the death of the said Richard Payne, by his letters patent 25 July, 5 Jac. confirmed and ratified the Queen's grant, and further (at the humble petition of the said William Davison) granted the reversion of the said of-

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* Lansdown MSS. 91. p. 56.

fice unto George Byng, of Wrotham in Kent, and Henry Byng, of Gray's Inn, whose names he used, in trust for the benefit of him and his children, and payment of his debts, the greatest part whereof was such debts as were owing to them. William Davison dieth, and (by his will in writing reciteth the said trust) willeth the said George Byng and Henry Byng, or one of them, to exercise his said office until his debts and daughters' portions be paid; and after such payment, or security put in for that purpose, to assign over the said office, with the execution thereof, to Christopher Davison, second son of the said William Davison. After the death of the said William Davison, George Byng and Henry Byng, by virtue of the letters patent, were sworn in and admitted. Since Christopher Davison hath offered payment of all sums of money and charges whatsoever to the Byngs owing, or by them disbursed, and to put in security for payment of the other debts, and whatsoever else is required by his father's will; upon performance of which, he desireth (according to his father's will) the said office

to be assigned over unto him, Henry Byng confessing the trust is well contented; but George Byng making many pretences unconscionably refuseth.

"The humble suit of Christopher Davison unto the High Court of Parliament is, that after satisfaction of all debts and demands to the said Byngs, and sufficient security put in for the payment of all other the creditors of his father (whom his special desire is to have satisfied), the said office may be settled upon him and his assigns, according to his father's will, during the lives of the said George Byng and Henry Byng, and the longer liver of them.

"The reason why he is driven to seek an Act of Parliament is, for that he must disburse so great sums of money to the Byngs (which they affirm to amount to £.2000 and upwards), and besides to pay the debts of his father, being very great. All which he cannot furnish himself of without the help of his friends, whom (unless it be by Act of Parliament confirmed unto him) he cannot sufficiently secure, for that it is litigious whe-

ther the office be in the King's gift or the Lord Chief Justice's.

"And the said office hath in like sort been heretofore confirmed to one John Payne, by Act of Parliament, 33 Hen. VIII.

"1. This is all the estate that William Davison hath left his children: and if they should be detained from it, they are all utterly undone.

"2. All William Davison's creditors (which are many, and which by his will he desireth should be satisfied), by the course which George Byng holdeth (denying the trust) be all defrauded, when Christopher Davison will pay them all, according as his father hath appointed by his will."

The result of this application has not been discovered: and of Christopher Davison nothing more is known.

William Davison the third son, is mentioned in his father's will, and was, it is presumed, admitted of Gray's Inn in 1604. As a provision is made by his father for such children "as he shall leave," it may be inferred that he was married, and perhaps

had issue; but no other particulars of him have been found.

Walter Davison the fourth son, was born about 1580, and it is singular that he is not named in his father's will. He was a poet, and several of his pieces are inserted in his brother's work. From the Preface to the second edition of the Poetical Rhapsody, we learn, that they were written before he was eighteen, and that he was by profession a soldier, and at that time was serving in the Low Countries. He most probably died young, and unmarried.

Catherine Davison married —— Duncombe, and her elder sister married —— Townley; they were both living in 1609.

It is worthy of observation, that Francis Davison never interested himself in his father's affairs, but that his brother Christopher should have had the management of them: the indolence and imprudence, by which genius is too often accompanied, perhaps disqualified him for such an office. The baptismal name of Francis, was, it is

most likely, derived from his maternal grandfather, and that of Christopher, from Christopher Coo, whose daughter married William Spelman, his mother's grandfather. William was of course named after his father, but it is difficult to account for that of the fourth son, unless he was called Walter, in compliment to the father of the Earl of Essex.

Considerable trouble has been taken to trace the descendants of the unfortunate Secretary, but no positive evidence of any being in existence has been discovered. Neither of his sons, it is believed, left a will, but it is very unlikely that they should all have died without issue. If Christopher Davison's petition to Parliament failed, they must have been reduced to the utmost poverty, and this would be a sufficient reason for their not leaving such documents. From the provision made by Davison for the children of Francis and William, without any such bequest to those of his other sons, it may be presumed that both of them were married. Their mother was connected with the county of Kent through the Isleys and

Byngs,* and there is consequently presumptive evidence that William Davison, who was married at Rochester on the 3d February, 1686-7, and was Mayor of that city in 1714, and whose descendants are now living, was the grandson of one of the sons of the Secretary. The Byngs were connected with Rochester, and it is higly probable that in Davison's distress, his most intimate friend George Byng, of Wrotham, which is distant but a few miles from that city, should have provided for one of his younger sons, by putting him to a profession or business in that neighbourhood.

The arms granted to William Davison in 1586 are, Gules, a stag trippant Or.

Crest, On a wreath, a stag's head couped at the shoulders, and winged, Or.†

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* It appears that the Spelmans were likewise connected with Kent. John Spelman, Jeweller to Queen Elizabeth, and who was afterwards knighted by James, having built on the river Darent, about half a mile from Dartford in that county, the first paper-mill which was erected in England.

† College of Arms. "Cook's Grants."

From the seal affixed to some of the secret letters which have been referred to, it appears that he used these arms sometime before they were granted, but that the crest he assumed was a stag courant, pierced through the neck with an arrow. His seal has an Esquire's helmet over the shield, and is inscribed " GVLIELMI DAVIDSONI."

The crest borne by Davison may almost be deemed prophetical of his fate. The shaft of misfortune having arrested him in his career of fame and honour, and thus indeed rendered him " a stricken deer."

APPENDIX.

APPENDIX A.

Copied from the Cottonian MS. Titus, C. vii. f. 48, and collated with Harleian MSS. 290. f. 209 and 6396,-and Cotton. MS. Caligula, C. ix. f. 149. *

A Discourse sent by and from Mr. Secretary Davison, being then Prisoner in the Tower of London, unto Secretary Walsinghom, containing a summary Report of that which passed betwixt her Majesty and him, in the Cause of the Scottish Queen, from the signing of the Warrant to the time of his restraint. ***February*** **20, 1586.**

After that the sentence against the Scottish Queen was passed, and subscribed by the Lords and others the Commissioners appointed to her trial, and that her Ma-

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* Those in "Titus" and "Caligula" appear to be in Davison's hand, but Harl. MS. 290. f. 209. is said to be in the writing of Mr. Ralph Starky. They are, however, very nearly verbatim copies of each other.

jesty had notified the same to the world by her proclamation according to the statute, there remained nothing but her warrant under the Great Seal of England, for the performing and accomplishing of her execution, which after some instance as well of the Lords and Commons of the whole Parliament then assembled, as of others of her Council and best affected subjects, it pleased her Majesty at length to yield unto, and thereupon gave order to my Lord Treasurer to project the same, which he accordingly performed, and with her Majesty's privity left in my hands to procure her signature; but by reason of the presence of the French and Scottish ambassadors, then suitors for her life, she forebore the signing thereof till the first of February, which was some few days after their departure home. At what time her Majesty upon some conference with my Lord Admiral of the great danger she continually lived in, and moved by his lordship to have some more regard to the surety of herself and state than she seemed to take, resolved to defer the said execution no longer; and thereupon gave his Lordship orders to send for me to bring

the warrant unto her to be signed, which he forthwith did by a messenger of the chamber, who found me in the Park (whither I had newly gone to take the air), whereupon, returning back immediately with him, I went directly up into the Privy-chamber, where his Lordship, attending my coming, discoursed unto me what speech had passed that morning betwixt her Majesty and him, touching the justice against the said Scottish Queen; and finally told me how she was now fully resolved to proceed to the accomplishing thereof, and had commanded him to send expressly for me to bring the warrant unto her to be signed, that it might be forthwith dispatched and deferred no longer. According to which direction, I went immediately to my chamber to fetch the said warrant and other things touching her service; and returning up again, sent in Mrs. Brooke to signify my being there unto her Majesty, who presently called for me. At my coming in, her Highness first demanding of me whither I had been abroad that fair morning, advising me to use it oftener, and reprehending me for the neglect thereof, with other like gracious speeches, arguing a

care of my health, finally asked of me what I had in my hands? I answered, divers warrants and other things to be signed that concerned her service. She enquired whether my Lord Admiral had not given me order to bring up the warrant for the Scottish Queen's execution? I answered yes; and, thereupon, asking me for it, I delivered it into her hands, after the reading whereof, she, calling for pen and ink, signed it, and laying it from her, demanded of me whether I were not heartily sorry to see it done? My answer was, that I was so far from taking pleasure in the calamity or fall of any, or otherwise from thirsting in any sort after the blood of this unhappy lady in particular, as I could not but be heartily grieved to think that one of her place and quality, and otherwise so near unto her Majesty, should give so great cause as she had done to take this resolution. But seeing the life of that Queen threatened her Majesty's death, and, therefore, this act of hers in all men's opinions of that justice and necessity, that she could not defer it without the manifest wrong and danger of herself and the whole realm, I could not be sorry to see her take an ho-

nourable and just course of securing the one and the other, as he that preferred the death of the guilty before the innocent; which answer her Highness approving with a smiling countenance, passed from the matter to ask me what else I had to sign, and, thereupon, offering unto her some other warrants and instructions touching her service, it pleased her, with the best disposition and willingness that might be, to dispatch them all. After this she commanded me to carry it to the Seal, and to give my Lord Chancellor special order from her to use it as secretly as might be, lest the divulging thereof before the execution might, as she pretended, increase her danger. And in my way to my Lord Chancellor her pleasure also was, that I should visit Mr. Secretary Walsingham, being then sick at his house in London, and communicate the matter with him, because the grief thereof would go near (as she merrily said) to kill him outright, where, taking occasion to repeat unto me some reasons why she had deferred the matter so long, as namely, for her honour's sake, that the world might see that she had not been violently or maliciously drawn thereto, she con-

cluded that she never was so ill advised as not to see and apprehended her own danger, and the necessity she had to proceed to this execution. And thereupon (after some intermingled speech to and fro), told me that she would have it done as secretly as might be, appointing the hall where she was for the place of execution; and misliking the court, or green of the castle for divers respects, she alleged with other speech to like effect; howbeit, as I was ready to depart, she fell into some complaint of Sir Amias Paulet and others, that might have eased her of this burthen, wishing that Mr. Secretary and I would yet write unto both him and Sir Drue Drury, to sound their disposition in that behalf. And albeit I had before excused myself from meddling therein, upon sundry her Majesty's former motions, as a matter I utterly prejudged, assuring her that it should be so much labour lost; knowing the wisdom and integrity of the gentlemen whom I thought would not do so unlawful an act for any respect in the world; yet finding her desirous to have the matter attempted, I promised for her satisfying to signify this her pleasure to Mr. Se-

cretary, and so for that time leaving her, went down directly to my Lord Treasurer, to whom I did communicate the said warrant signed, together with such other particulars as had passed at that time betwixt her Highness and me. The same afternoon I waited on my Lord Chancellor for the sealing of the said warrant, according to her Majesty's direction, which was done between the hours of four and five, from whence I returned back unto Mr. Secretary Walsingham, whom I had visited by the way, and acquainted with her pleasure, touching letters that were to be written to the said Sir Amias Paulet and Sir Drue Drury, which at my return I found ready to be sent away. The next morning about ten of the clock, being in London, Mr. William Killegrew came unto me from her Majesty with this message, that if I had not been with my Lord Chancellor, I should forbear to go unto him till I had spoken again with herself; but that message coming out of season, I returned him back with this general answer, that I would be at the Court as soon as himself, and give her Majesty an account what I had done. At my coming

to her, she demanded of me whether the warrant were passed the seal? I told her yes. She asked what needeth that haste? I answered, that I had therein made no more haste than herself commanded, and my duty in a case of that moment required, which as I take it was not to be dallied with. But me thinketh, saith she, that it might have been otherwise handled for the form, naming unto me some that were of that opinion whose judgments she commended. I answered, that I took the honourable and just way to be the safest and best way, if they meant to have it done at all; whereto her Majesty replying nothing, for that time left me and went to dinner. From her I went down to Mr. Vice-chamberlain, with whom I did communicate the said warrant, and other particulars that had passed betwixt her Highness and me, touching the dispatch thereof, where, falling into a rehearsal of some doubtful speeches of hers, betraying a disposition to throw the burthen from herself, if by any means she might, and remembering unto him the example of her dealing in the case of the Duke of Norfolk's execution, which she had laid

heavily upon my Lord Treasurer for a long time after; and how much her disavowing of this justice was more to be feared, considering the timouresness of her sex and nature, the quality of the person who it concerned, and respect of her friends, with many other circumstances that might further and incline her thereunto, I finally told him that I was for mine own part fully resolved, notwithstanding the directions that I had received, to do nothing that might give her any advantage to cast a burthen of so great weight upon my single and weak shoulders; and, therefore, having done as much as belonged to my part, would leave to him and others as deeply interested in the surety of her Majesty and the state as myself, to advise what course should now be taken for accomplishing the rest, who, as near as I remember, gave me this answer, that, as he was heartily glad the matter was brought thus far, so did he for his own part wish him hanged that would not join with me in the furtherance thereof; being a cause so much importing the common safety and tranquillity of her Majesty and the whole realm. And so, after some little speech, resolved

to go together to my Lord Treasurer to confer thereof with his Lordship, as we immediately did, and there agreed for the better and more honourable proceeding therein, to break the matter with the Lords and others of her Majesty's Council, being as deeply interested in this care and duty as ourselves; and in the mean time his Lordship took upon him the charge to project the letters that should be written to the Earls and others to whom the aforesaid warrant was directed. The next morning, having made a draught of them, he sent for Mr. Vice-chamberlain and me to impart the same unto us; upon the reading whereof, Mr. Vice-chamberlain finding them very particular, and such as in truth the warrant could not bear, shewed his mislike of them as he that seemed to doubt more than he discovered; whereupon his Lordship offering to project others more general against the afternoon, it was resolved, in the mean time to warn the rest of the Council, who within an hour after met at his Lordship's chamber, where himself entering into the particulars of the said Scottish Queen's offence, the danger of her Majesty and the state and ne-

cessity of this execution, and acquainting them with her Highness's resolution in that behalf, for their better satisfying, wherein he read the said warrant itself unto them; he finally told the cause of their meeting at that present, was chiefly to advise of some such means as might be most honourable and expedient for the dispatch thereof; seeing her Majesty had for her part performed as much as in any honour, law, or reason, was to be required at her hands; and after some little other speech of her doubted inclination to drive this burthen, if it might be, from herself, and every one willingly offering to bear his part in a matter so much importing the public safety of the whole state, both of religion and commonwealth; they finally resolved to proceed to the sending down thereof without troubling her Highness any further withal, as well in regard of her charge given to myself, to let her hear no more thereof till it was done, having otherwise performed as much as in any reason or law would be required of her, as is before remembered, as the dangerous consequence might else have grown thereof in case her Majesty, upon such a needless

motion, should have fallen into any new conceit of interrupting and staying the course of justice, considering the malice of her enemies, and disposition of the time and state of things then, both abroad and at home, which they in no duty could neglect; and so resolving generally upon Mr. Beale as the fittest person they could advise of, to whom they might commit that charge, and who, being sent for the same morning, was then present, and approving the letters projected by my Lord Treasurer, appointed them to be written out fair against the afternoon, in the meantime went to dinner, and between one and two of the clock returned back to sign the said letters, addressed, with the warrant, to the Lords and others the Commissioners appointed in that cause, which in their presence were delivered unto Mr. Beale, with earnest request and motion to use the uttermost diligence and care he could in the expedition thereof, and so again departed. The next morning her Majesty being in some speech with Mr. Rawleigh in the private chamber, seeing me come in, called me to her, and (as if she had understood nothing of these proceedings), smiling, told me how

she had been troubled that night upon a dream she had, that the Scottish Queen was executed, pretending to have been so greatly moved with the news against myself, as in that passion she could have done I wot not what; but this being in a pleasant and smiling manner, I answered her Majesty, that it was good for me I was not near her so long as that humour lasted. But withal, taking hold of her speech, asked her in great earnest what it meant, and whither, having proceeded thus far, she had not a full and resolute meaning to go through with the said execution according to her warrant. Her answer was yes, confirmed with a solemn oath in some vehemency; this only she thought that it might have received a better form, because this threw the whole burthen upon herself; whereto I replied, that the form prescribed by the warrant was such as the law required, and could not well be altered with any honesty, justice, or surety of those that were commissioners therein; neither did I know who could sustain this burthen if she took it not upon her, being Sovereign Magistrate, to whom the sword was committed of God for the punishment of the

wicked, and defence of the good, and without whose authority, the life or member of the poorest wretch in her kingdom could not be touched. She answered, that there were wiser men than myself of other opinion. I told her I could not answer for other men, yet this I was sure of, that I had never yet heard any man give a sound reason to prove it either honourable or safe for her Majesty to take any other course than that which standeth with law and justice, and so, without further replication or speech, we parted. The same afternoon (as I take it) she asked me whether I had heard from Sir Amias Paulet, I told her no; but within an hour or two after going to London I met with letters from him, in answer to those that were written unto him some few days before, upon her commandment. The next morning, having access unto her Majesty upon some other occasion, I told her of the receipt of them, which her Highness, desirous to see, took and read; but finding thereby that he was grieved with the motion made unto him, offering his life and all he had to be disposed at her pleasure, but absolutely refusing to be an instrument in any such action as was

not warranted in honour and justice; her Majesty, falling into terms of offence, complaining of the daintiness and (as she called it) perjury of him and others, who, contrary to their oath of association, did cast the burthen upon herself, she rose up, and after a turn or two went into the gallery, whither I followed her, and there renewing her former speech, blaming the niceness of those precise fellows (as she termed them), who in words would do great things for her surety, but in deed perform nothing, concluded that she could have well enough done without them. And here, entering into particularities, named unto me (as I remember) one Wingfield, who, she assured me, would, with some others, undertake it; which gave me occasion to shew unto her Majesty how dishonourable (in my poor opinion) any such course would be, and how far from preventing the malice and danger which she so much sought to avoid. And so, falling into the particular case of Sir Amias Paulet and Sir Drew Drury, discoursed unto her the great extremity she would have exposed those poor gentlemen to, for if, in a tender care of her surety, they should have done

that she desired, she must either allow their act or disallow it; if she allowed it she took the matter upon herself, with her infinite peril and dishonour; if she disallowed it she should not only overthrow the gentlemen themselves, who had always truly and faithfully honoured and served her, but also their estates and posterities, besides the dishonour and injustice of such a course, which I humbly besought her Majesty to consider of: and so, after some little digression and speech of Mr. Secretary and others, touching some things passed heretofore, her Majesty, understanding it was time to go to the closet, rose up, and left me. At my next access unto her, which (as I take it) was the Tuesday before my coming from Court, having occasion to wait upon her Highness with certain letters that were to be signed, touching some difference between the Lord Deputy of Ireland and Mr. Fenton, her Secretary there, she entered of herself into some earnest discourse of the danger she lived in, and how it was more than time this matter were dispatched, swearing a great oath, that it was a shame for us all that it was not already done, considering

that she had, for her part, done all that law or reason could require of her; and thereupon made some mention to have letters written to Sir Amias Paulet for the hastening thereof, because the longer it was deferred the more her danger increased. Whereto, knowing what orders had been taken by the Lords in sending the commission to the Earls, which I presumed she could not be ignorant of amongst so many as were partners therein, I answered that that needed not (as I conceived), the warrant being so general and sufficient as it was; to which her Majesty replied little else but that she thought Sir Amias Paulet would look for it; and so brake off our speech at that time, which was the last I had with her Majesty of this or any other matter whatsoever, to my remembrance. The next (Thursday) morning early, being, as I take it, the day before my coming from Court, my Lord Treasurer sent for me and acquainted me with the news he had received by Henry Talbot of the said Scottish Queen's execution, which (upon some conference had thereof with Mr. Vice-chamberlain and others) he thought it not fit to break sud-

denly to her Majesty, and therefore concealed it from her all that day; which being nevertheless brought unto her that evening by other means, she would not at the first seem to take knowledge of it, but the next morning, falling into some heat and passion about it, sent for Mr. Vice-chamberlain, to whom she disavowed the said execution as a thing she never commanded or intended, casting the burthen generally upon them all, but chiefly upon my shoulders, because (as she pretended) I had, in suffering it to go out of my hands, abused the trust she reposed in me; whèreupon my Lords being that morning assembled at my Lord Treasurer's chamber, I was sent for unto them, and acquainted with her Majesty's said offence and charge both against them and me; but having mine own conscience and themselves for witnesses of mine innocency and integrity in that behalf, did not at the first much apprehend it. Howbeit, being advised by them all to absent myself for a day or two, and otherwise compelled thereto by an unhappy accident befallen unto me the day before, together with some indisposition of my health at that time, I returned home,

where the next news I heard was that her Majesty had resolved to commit me to the Tower, which at the first seemed a matter very strange unto me, and such as I could by no means believe, till my Lord of Buckhurst came with order from her Majesty to execute this her pleasure, which, by reason of my sickness, was deferred for two or three days, and afterwards, on the fourteenth of this month, accomplished. And this (as near as I can possibly remember) is the substance of all that passed betwixt her Majesty, her Council, and myself, concerning this cause; in all which, as mine own conscience and heart doth clear me not only of committing, but also of intending, any the least thing whatsoever that might not stand with the duty of a most honest and faithful servant to her Majesty and my Country, so do I not see what I can be charged with that may in any justice, equity, or truth, argue the contrary. Howbeit, seeing it is pretended that her Majesty gave me a special commandment not only not to impart the said warrant with any of her Council, but also to stay the same in

my hands till some greater necessity should enforce her to proceed therein, as a thing she meant not otherwise to put in execution, upon the breach of which supposed commandment all my trouble is grounded, it shall not be impertinent by the way to answer this objection as shortly as I can. And first, touching her Majesty's commandment to conceal the signing of the said warrant from the rest of her Council; as it is a thing can never be proved, so must I, in all duty and humility, under her Highness' gracious favour, absolutely deny the same, wherein, for the better clearing of the truth, I trust her Majesty, in her princely and honourable nature, will not gainsay but that she both sent for me by my Lord Admiral to bring the warrant unto her to be signed, gave me express order to carry it forthwith to the seal, with a messenger to my Lord Chancellor, and also by the way to impart it with Mr. Secretary Walsingham; which proveth that these three were made privy to it with her own good liking. And seeing my Lord Treasurer was formerly acquainted therewith by my Lord Admiral and

my Lord of Leicester, immediately after the signing of the warrant by her Majesty's self, as likewise Mr. Vice-chamberlain the same day, in general terms, as they did all severally signify unto me, what reason could I have to detain or conceal it from them, being so principal counsellors as they are, specially employed, as all men know, in the former trial and proceedings against the said Queen, and otherwise as deeply interested in this cause as myself? Neither can I conceive what may be excepted to this privity of theirs, unless her Majesty had a meaning that Mr. Secretary and I should have dealt alone in sending down thereof to the said Commissioners, which, for mine own part, I confess I never liked nor intended, as well in respect of her purpose, often uttered to myself, to remove as much of the burthen as she might from her own shoulders, as for the dishonour and danger which might otherwise have grown thereby, both publicly to the whole cause, and privately to ourselves, if we should have yielded thereto. And therefore, seeing the end of signing and sealing the warrant in all reasonable con-

struction was to go forward withal, that the delay thereof did infinitely increase the peril of her Majesty's life and state, that it was imparted to some by her Highness' own order, and no possibility (being sealed) to keep it from the rest, considering how many were already made privy thereto, I trust I shall appear sufficiently warranted, in all duty, reason, and necessity, to do that I did; and, contrariwise, mine offence (if by my neglect thereof there should have happened any thing amiss to her Majesty in the mean time) not only inexcusable but also (in mine own censure) worthy of a thousand deaths. And as for the second point, of detaining thereof in my hands after it was resolved that it was neither fit nor convenient to trouble her Majesty any further wherewithal, considering she had done all that law required at her hands, and that she had, both to myself and others, signified at other times her indisposition to be acquainted with the time, place, and other circumstances, as things unfitting to her honour and disposition, and that to detain the warrant in expectation of any fur-

ther directions from herself was both needless and dangerous, in regard of the hourly hazard her Highness lived in; and, finally, that my Lords, knowing her Majesty's unwillingness to bear all the burthen alone, were content both resolutely and dutifully to ease her as much as they might, I do not see under what colour of reason or duty I could either have refused to join with them or otherwise taken upon me to detain it from them. For howsoever her Majesty's commandment be pretended herein, to keep it by me as a thing she meant not to put in execution, I trust the world doth not hold me so undutiful to her Majesty, or ill advised for my particular considering the reasons alleged, as to take such a charge upon me, to the evident peril of her Highness' life, subversion of the state, and mine own utter overthrow: neither is there any reason in the world (I speak it in all reverence and under her Majesty's gracious favour and pardon) that may argue any resolution of hers not to proceed any further in the said execution (as is affirmed), considering how far she had already waded in the trial of

that Lady's fact, found her guilty by a most honourable Jury of her Nobility, assembled her Parliament only for that purpose, graciously heard their petitions for justice, and dismissed them with so great hope, published afterwards the proclamations for her disablement, rejected the suits both of the French and Scottish Kings for her life, and returned their Ambassadors hopeless, confirmed that impression by her own letters to both Princes, some of which it pleased her to communicate with myself, protested many times her necessity and resolution to go through with all (albeit for sundry good respects she had so long deferred it), given me her commandment, many days before, to bring up the warrant unto her, and then voluntarily sent for it by my Lord Admiral, signing it as soon as I brought it, and directed me therewith to the seal, adding hereunto her particular and verbal direction delivered to myself at the same time, both appointing the execution to be done in the Hall, misliking the Green or Court of the Castle, for some respects she alleged; together with her stay of my Lord of Shrewsbury

in those parts by letters written from my Lord Treasurer, upon her commandment, for some special service she had to employ him in there, which could import no other thing than the said execution, wherein he was a chief commissioner. All which, with a number of other foregoing and following circumstances, too long to rehearse, may sufficiently testify her Majesty's resolute disposition to have that proceeded in according to her direction and warrant aforesaid, whatsoever be now pretended to the contrary.

APPENDIX B.

From the Harleian MS. 290. f. 213. The manuscript is very similar to Davison's.

A true Relation of that which passed betwixt her Majesty and me in the Cause of the late Scottish Queen, from the Time of my first receiving the Minute of the Warrant concerning the Execution of, &c. to the Day of my Commitment to the Tower.

After that the meeting at Fotheringay, about the cause of the late Scottish Queen, was dissolved, the Commissioners returned their sentence, revisited and signed, approved in Parliament, and notified to the world by proclamation, her Majesty being moved with the earnest suit and petitions of her subjects in the said Parliament assembled, to proceed against the said Queen according to the sen-

tence, did at length give order to the Lord Treasurer to draw the warrant for her execution; which having performed and imparted to her Majesty, his Lordship, the next morning, sent for me to his chamber in Court, then at Richmond, and in the presence of Mr. Treasurer Knollys (whom I found with him) acquainted me therewith, and told me that, himself being to go presently to London, her Highness' pleasure was, that he should leave the same with me to cause it to be engrossed and brought unto her to sign; and so delivered it into my hands. Some few days after the warrant being ready I acquainted her Majesty withal, and desired to know her pleasure therein, who at that time thought good to forbear the signing thereof, because the French and Scotch Ambassadors were here intercessors for the S. Q. life, willing me to reserve it to a fitter season [ ]. By that occasion I retained in my hands unpresented for the space of some 5 or 6 weeks at the least; for the which I was one day sharply reproved by my Lord Leicester in her Majesty's own presence, as the Lord Treasurer, who was by, could witness.

Not long after the return of the Scotch Ambassadors, her Majesty, being one morning private with the Lord Admiral (which as I take it was on Wednesday the first of February) being moved with the rumours then raised and spread abroad throughout the realm, that the said Scottish Queen was escaped, the realm invaded by strangers, London sacked and burnt, her Majesty dead, with other like seditious bruits, tending in all appearance to tumult and rebellion, and falling into consideration of the hourly danger wherein she lived by delaying the Sc. Q. execution, as the principal ground and cause thereof, she finally resolved (as his Lordship immediately after told me) to defer the same no longer, and therefore willed him to send privately for me to bring the warrant unto her to sign, which he accordingly did.

At my coming up I found his Lordship in the privy chamber, where he discoursed unto me what had passed that morning between her Majesty and him concerning the Sc. Q. and how she was now fully resolved to proceed to her execution, and to that end had commanded him to send expressly for

me to bring the warrant unto her, that she might forthwith sign and dispatch it; upon which her Majesty's direction, delivered to me by his Lordship, I went down to my chamber for that and other things I had to be signed, and returning up again, entreated Mrs. Brooke to give her Majesty knowledge of my being there, who immediately called for me.

Upon my coming in, her Majesty, descrying some papers in my hand, required what I had there. I answered they were things to be signed that concerned her service. She then demanded whether I had not met with the Lord Admiral, and whether he had said any thing to me touching the warrant for the Sc. Q. My answer was, that I had spoken with his Lordship in the privy chamber, and understood by him that it was her Highness' pleasure I should bring the same unto her to sign. Whereupon, she asking me for it, I delivered it into her hands, who, calling immediately for pen and ink, signed it, and laid it down by her upon the mats; and after some little speech, shewing the reasons why she had so long deferred it, as, namely, that the world might see she had

not been violently carried thereunto by any humour of malice or revenge against her, however provoked by her offence, and how loth she was to take this course if she had seen any other way to secure her own person and state; *rebus instantibus*, she finally willed me to take up the said warrant, and to carry it immediately to the great seal, commanding me expressly to dispatch and send it down unto the Commissioners with all the expedition I might, appointing the Hall of Fotheringay for the place of execution, misliking the Court-yard for divers respects she alleged; and, in conclusion, absolutely forbade me to trouble her any further, or let her hear any more thereof till it was done, seeing that for her part she had now performed all that either in law or reason could be required of her; and so, calling for the rest of the things I had to be signed, dispatched them all. This done, she entered into some speech with me of Mr. Secretary Walsingham, delivering me a message to be imparted unto him, and willing me withal to shew him her warrant in my way to the seal (he being then sick at his house in London), yielding merrily this rea-

son, that she thought the sight thereof would kill him outright. And as I was ready to depart from her she gave me some caution to use it secretly at the seal, in respect of the jealousy she seemed brought to of some about the Lord Chancellor, and doubt lest the divulging thereof might be the occasion to increase her own danger.

From her Majesty I went directly down to the Lord Treasurer's chamber, where I found my Lord of Leicester and him together, to whom I shewed her Majesty's warrant, and faithfully related what directions she had given me for carrying it to the great seal, and sending it down unto the Commissioners, with the other circumstances before remembered; and for that I alleged some necessity of my stay at Court that afternoon about the cause of the Low Countries, whose Deputies were appointed to be there immediately after dinner, they both intreated me, but especially the Lord Treasurer, to leave the care of that business unto him, and to attend this, which was of far more importance; whereto I yielded.

After dinner I repaired to the Lord Chancellor, according to my directions, having

first visited Mr. Secretary Walsingham on my way, and acquainted him with those things her Majesty had given me in charge; and between three and four of the clock that afternoon passed the said warrant under seal; which done, I went home to my own house, where I stayed all that night.

The next morning, about ten of the clock, being within 24 hours after my departure from her Majesty (when she could with no reason imagine it to be unsealed, considering what commandment she had given me to make all the speed I could therein), Mr. Killegrew came to me with this message from her, that if I had not already been with the Lord Chancellor, I should forbear till I understood her further pleasure; whom I returned with answer, that I would be at the Court as soon as himself, and give her an account what I had done.

Immediately upon my coming thither I went up into the privy chamber, where I found her Majesty, who presently calling me to her, asked me whether the warrant were sealed? I answered that it was dispatched the evening before, and shewed the same unto her; "but (said she) what needed

that haste?" I replied, that I had made no more haste than both she herself had commanded me, and my duty in such a case required. And thereupon, taking occasion to ask her Majesty whether she continued in her purpose to proceed therein according to her former directions, or no, she answered she did, albeit she thought it might have been better handled, because this course threw the whole burthen upon herself. Whereunto I replying that I saw not who else could bear it, seeing her laws made it murder in any man to take the life of the meanest subject in her kingdom but by her warrant, she abruptly brake into a great commendation of Archibald Douglas, wishing that she had but two such counsellors; and in the end, perceiving that I took little notice of that discourse, rose up, and walking a turn or two in the chamber, one of the ladies entertaining her with some other speech, I left her for that time.

From thence I went down to Mr. Vice-chamberlain, to whom I shewed the said warrant, and communicated all that had passed betwixt her Highness and me concerning the same, adding what I feared of

her inclination to throw this burthen from herself, if she might find any just pretext, remembering unto him, amongst other reasons, how things had passed heretofore in the cause of the Duke of Norfolk, the imputation of whose death she laid heavily upon my Lord Treasurer for divers years together; and therefore told him plainly, that whatsoever direction she had given me for sending it down unto the Commissioners (which happily she thought I would adventure for her safety and service), I was absolutely resolved not to meddle in it alone.

Whereupon, after some little other speech betwixt him and me, we agreed to go over unto the Lord Treasurer, and to advise with him what course was fittest to be held therein, who finding, both by Mr. Vice-chamberlain and myself, what my resolution was, approved the same; and thereupon resolved to break the matter, the next day, with the rest of the Council, and to take their opinions; and in the mean time, his Lordship having some cause of the warrant, prayed me to leave it with him, which in the presence of Mr. Vice-chamberlain I

delivered into his Lordship's own hands, who from thenceforth kept it till it was sent away.

The next morning his Lordship assembled the Council in his own chamber, to whom he declared the cause of their meeting, shewed and read the warrant, rehearsed how matters had passed betwixt her Majesty and me, and namely what directions she had given me for sending it down unto the Commissioners, with also my refusal to meddle therein alone, and my reasons for the same; that for his part he saw not why they, being all alike interested in the cause, should not make it their general and common task, knowing how much it imported both themselves in duty to her Majesty and the whole realm, in honour and safety: his advice therefore was, that seeing they had so clear a testimony of her Majesty's pleasure as her own warrant, under her hand and great seal of England imported, they should join together in sending it down unto the Commissioners according to that direction, without troubling her Majesty any further in that behalf, she having done all that in law or reason could be required of

her; whereunto they all agreeing, his Lordship took upon him to project the letters that should be sent down therewith unto the said Commissioners, and sent for Mr. Beale, whom they thought the fittest messenger for that purpose; and the next day, the letters being ready, met again in the same place for the signing of them; which done, his Lordship delivered them, together with the warrant and the rest of the dispatch, unto Mr. Beale, in presence of all the other counsellors, with his own hands.

Some two or three days after, having special occasion to attend her Majesty, and finding her in her gallery at Greenwich all alone, she entered into some speech with me of a course that had been propounded unto her underhand by one of great place, concerning that Queen; asked me what I thought thereof, which, being in truth very unsuitable to the rest of her public proceedings, I utterly misliked, delivering my reasons, wherewith she seemed to rest satisfied, without any shew of following this new course, or altering her former resolution in any point. The next day, as I remember, I had occasion to carry up letters for her Ma-

jesty to sign, in favour of Mr. Fenton, her Secretary in Ireland; after the dispatch whereof she fell of herself into some earnest expostulation with me about the execution of her said warrant, complaining greatly of myself and the rest of her Council, as men careless of her safety and our own duties, in that it was not already done, commanding me to write a sharp letter to Sir Amias Paulet to that effect. But being somewhat jealous of her Majesty's drift, I answered that it would be needless, seeing it was her Majesty's own commission under the great seal of England, and not any private letter from me, that must be his direction and warrant in that behalf; whereunto she replied little, but that she thought he would look for it; and with this, one of the ladies coming in to understand her pleasure for her dinner, she brake off; this being the last time of my access unto her.

The day following, to my best remembrance, Mr. Henry Talbot brought letters from my Lord, his father, and the rest of the Commissioners unto the Lord Treasurer, importing the news of the Scottish Queen's death, which his Lordship, communicating

with divers of the Council, did not think fit to break suddenly to her Majesty, who nevertheless, by other means, understood thereof that night, *without shew of any alteration at all.*

But myself being then at London, and returning the next morning to the Court, I found divers of the Council together in my Lord Treasurer's chamber, who presently told me how things stood, and that her Majesty seemed greatly offended against them all about this action, disavowing that she had either commanded or intended any such proceeding therein; whereof at the first I did not much marvel at, considering what I had before observed of her desire to cast it from herself, though I saw not what just ground she should take for the same: but having, after some little stay with them, special occasion to return back to London, and being otherwise very ill, I was enforced to tarry at my own house all that night.

The next news I heard was that her Majesty was resolved to commit me to the Tower, which, out of the innocence of mine own heart, I could not possibly believe, till she sent my Lord of Buckhurst unto me

to that end, who, finding me sick in bed, after some conference with me, returned back to the Court, to acquaint her Majesty with mine state, and she deferred it for that time, and likewise did some day or two after for the same reasons, which nevertheless on of February, by her Majesty's express commandment, he performed.

And this in substance (as near as I can possibly remember) is the truth of all that passed betwixt her Majesty and me, concerning this cause, from the first hour of my receiving the minute of her said warrant from the Lord Treasurer to the day of my restraint.

20 *Feb.* 1586.

APPENDIX C.

From Ayscough's Catalogue of MSS. 3199. The copy is very imperfect, and has the same *lacunæ* as that inserted in Whitaker's "Vindication of Mary Queen of Scots." The following is taken from a note to Kippis's "Biographia Britannica."

Secretary Davison's Apology, addressed to Sir Francis Walsingham.

On Wednesday the first of this present, about ten of the clock, came one of the Grooms of the Chamber to me, to let me understand, that her Majesty had called for me by my Lord Admiral, who was in the Privy Chamber. I found his Lordship there, who told me the cause of my sending for. Having first summarily discoursed unto me some speech that had passed that morning betwixt her Majesty and him, touching the execution of the Scottish Queen, the conclusion of which was, that she would no longer defer it, and therefore had com-

manded him to send expressly for me to bring the warrant unto her: whereupon, returning to my chamber, I took both that and divers other things to be signed for her service, and returning back, sent in Mrs. Brooke to signify my being there to her Majesty, who immediately called for me. At my coming in, her Majesty, first asking me whether I had been abroad that fair morning, advising me to use it oftener, and reprehending me for the contrary, finally demanded what I had in my hands. I answered, divers warrants and other things to be signed for her Majesty's service. She enquired whether my Lord Admiral had not sent for me, and whether I had not brought up the warrant for the Scots Queen. I answered yes, and thereupon calling for it, I delivered it into her hands. After the reading thereof, calling for pen and ink, she signed it, and laying it from her, asked me whether I was not heartily sorry that it was done. Mine answer was, that I was sorry a lady so near in blood to herself, and of her place and quality, should so far forget her duty to God and her Majesty as to give her this cause. But sithence this act of her

Majesty was in all men's opinion of that justice and necessity that she could not defer it without the manifest danger of her person and state, I could not be sorry to see her Majesty take this course of removing the cause of that danger, which threatened the one and the other; protesting, nevertheless, that I was so far from thirsting after the blood of that unhappy lady, that if there had been any other way to preserve her Majesty and the State from mischief than by taking her life, I could have wished it. But the case standing so in the opinion of all men, that either her Majesty or she must die, I must confess freely that I preferred the death of the guilty before the innocent. After this she commanded me to carry it to the seal, and to give my Lord Chancellor order from her to use it as secretly as might be, and, by the way, to shew it to Mr. Secretary Walsingham, because she thought the grief thereof would kill him outright, for so it pleased her Majesty to say of him. This done, she called for the rest of the warrants and other things I had to sign, and dispatched them all with the best disposition and willingness that could be. In

the mean time, repeating unto me some reasons why she had so long deferred the matter, as, namely, for her honour's sake, that the world might see that she had not been violently or maliciously drawn unto it, she concluded, that she was never so ill advised as not to see and apprehend her own danger, and the necessity she had to proceed to this execution; and thereupon, after some intermingled speech here and there, she told me she would have it done as secretly as might be, and misliking that it should be executed in the open Court or Green of the Castle, expressly willed that it should be done in the Hall; which I take to be a certain argument, both of her meaning it should be done, and in the form prescribed in the warrant. But after I had gathered up my papers, and was ready to depart, she fell into some complaint of Sir Amias Paulet and others that might have eased her of this burthen, wishing me yet to deal with Mr. Secretary, and that he would jointly write to Sir Amias and Sir Drury, to sound their dispositions, aiming still at this, that it might be so done as the blame might be removed from herself. And though I had

always refused before to meddle therein, upon sundry of her Majesty's former motions, as a thing I utterly condemned, yet was I content, as I told her for her satisfaction, to let Sir Amias understand what she expected at his hands: albeit I did beforehand assure myself it should be so much labour lost, knowing the wisdom and integrity of the gentleman, who I thought would not do any unlawful act for any respect in the world; but finding her Majesty desirous to have him sounded in this behalf, I departed from her Majesty with promise to signify so much to Mr. Secretary, and that we would both acquaint Sir Amias of her pleasure. And here repeating to me again that she would have the matter closely handled, because of her danger, I promised to use it as secretly as I could; and so, for that time, departed. That afternoon I repaired to my Lord Chancellor, where I procured the warrant to be sealed, having in my way visited Mr. Secretary, and agreed with him about the form of the letter which should be written for her Majesty's satisfying to Sir Amias Paulet and Mr. Drury, which, at my returning to my Lord Chancellor, was

dispatched. The next morning I received a letter from Cranmer, my servant, whom I left at Court, signifying unto me her Majesty's pleasure that I should forbear going to my Lord Chancellor's till I had spoken with her. And within an hour after came William Killigrew, with the like message from her, whom I returned with this answer, that I would be at the Court as soon as himself, and give her Majesty an account of what I had done. At my coming to her, she asked me whether I had been at my Lord Chancellor's. I answered her, yes. She demanded, what needed that haste? I answered, that I had done no more than she commanded, and thought it no matter to be dallied withal; but, saith she, methinks the best and safest way for me is to have it otherways handled, particularizing a form that she, as she pretended, liked better, naming unto me some that were of that opinion, whose judgments she commended. I answered, that I took the honourable and just way to be the best and safest, if she meant to have it done at all; whereto her Majesty replying nothing, for that time left me, and went to dinner. Within a day or

two after, her Majesty being in the Privy Chamber, called me unto her, and, smiling, told me how she had been troubled with me that night, upon a dream she had that the Scots Queen was executed, pretending to be so troubled with the news that if she had had a sword she could have run me through; but this being delivered in a pleasant and smiling manner, I answered her Majesty, that it was good I was not near her so long as that humour lasted; but withal, taking hold of her speech, I asked her Majesty, in great earnestness, what it meant? and whether, having proceeded thus far, she had not a meaning to go forward with the execution? Confirming this with a solemn oath, and some vehemency, she answered, yes; but she thought it might receive a better form, because, saith she, this casteth the whole burthen upon myself; whereto I replied, that the form prescribed by her warrant was such as the law required, and the only form that was to be kept in honour and justice. She answered, there were wiser men than myself of another opinion. I told her I could not answer for other men; but this I was sure of, that I never heard any man give

sound reason to prove it either honourable or safe for her Majesty to take any other course than that which standeth with law and justice: so, without farther replication or speech at that time, her Majesty rose up and left me.

The same afternoon (as I take it) she asked me if I had heard from Sir Amias Paulet; I told her no: but within an hour or two after, going to London, I met with letters from him in answer to those that were written to him by Mr. Secretary and myself. The next morning, having access to her Majesty upon some other occasion, I told her I had letters from Mr. Paulet, which her Majesty, desirous to see, took and read, but finding thereby that he was grieved with the motion made unto him, offered his life and all he had to be disposed of by her Majesty, but absolutely refusing to be an instrument in any such action as was not warranted in honour or justice. Her Majesty falling into some terms of offence, complaining of the dainty (as she called it) perjury of him and others, who, contrary to their oath of association, did cast the burthen upon herself, she rose up, and, after a

turn or two, went into the gallery, whither I followed her; and there renewing her former speech, blaming the niceness of those precise fellows, who in words would do great things for her safety, but in deed perform nothing: and concluded, she would have it well enough done without them; and here, entering into particularities, named unto me, as I remember, one Wingfield, who, she assured me, would, with some others, undertake it: which gave me occasion to shew unto her Majesty how dishonourable, in my poor opinion, any such course would be, how far off she would be from shunning the blame and stain thereof, which she sought so much to avoid; and here, falling particularly into the case of Sir Amias Paulet and Sir Drew Drury, told her that 'twas a marvellous extremity she would have exposed these two gentlemen unto, for if, in a tender care for her security, they should have done that which she desired, she must either allow their act or disallow it: if she allowed it, she took the matter upon herself, with her infinite dishonour; if she disallowed it, she overthrew those faithful gentlemen, who, she knew, did truly and

faithfully love her; and not only themselves, but their whole estate and posterity; and therefore thought this a most dangerous and dishonourable course, both for herself and them; and so, after some particular speech of Mr. Secretary and others, touching some matters past heretofore, her Majesty, calling to understand whether it was time to go to the closet, brake off our discourse.

At my next access to her Majesty, which I take was Tuesday, the day before my coming from Court, I having certain things to be signed, her Majesty entered of herself into some earnest discourse of the danger she daily lived in, and how it was more than time this matter was dispatched, swearing a great oath, that it was a shame for them all that it was not done; and thereupon spake unto me to have a letter written to Mr. Paulet for the dispatch thereof, because the longer it was deferred the more her danger increased; whereunto (knowing what order had been taken by my Lords in sending the commission to the Earls) I answered, that I thought there was no necessity of such a letter, the warrant being so general and sufficient as it was. Her Majesty replied little

else but that she thought Mr. Paulet would look for it. And this, as near as I can possibly remember, is a faithful and true report of what hath passed betwixt her Majesty and me, from the day of signing the warrant and the commandment given unto me to carry it unto the seal, until the hour of my departure from the Court. In all which I must protest unfeignedly before God, that I neither remember any such commandment given me by her Majesty, as is pretended, neither did ever I conceive such an intent or meaning in her; and, that my innocency herein may the better appear, let it be considered, first, what the commandment is, and, next, upon what consideration it was granted: the commandment, as I understand it, hath two parts; one, that I should conceal it from the rest of her Majesty's Council; another, that I should retain it by myself until some tumultuary time, as a thing her Majesty meant not otherwise to put in execution; both which I must, in all duty and humbleness, under her most gracious favour, absolutely deny. And, for the first, I trust, her Majesty, in her princely and honourable nature, will not deny but

that she first sent for me by my Lord Admiral to bring the warrant unto her, which proveth that his Lordship was acquainted with her purpose; and, next, that she gave me express word, both to carry it forthwith to the seal, with a message to my Lord Chancellor, who consequently must be acquainted with it, and also, by the way, to impart it to Mr. Secretary; so that these three being made privy to it with her own good liking, and myself, as I say, not restrained from the contrary by any such commandment as is pretended, what reason had I to conceal it from my Lord Treasurer, to whom my Lord Admiral had first imparted it, or from my Lord Leicester, to whom her Majesty had signified as much; as, likewise, to Mr. Vice-chamberlain; and, as they are all well acquainted with the rest of the whole proceeding, and as far interested in the cause as myself or any of the others, unless her Majesty had a meaning that Mr. Secretary and I should have dealt alone in sending of it to the Earls, which, for mine own part, I confess I never liked, knowing her Majesty's purpose was often to

myself to remove as much of the burthen as she might from her own shoulders upon others, which I knew my own unfit to sustain. Now, seeing the end of signing and sealing this warrant, in all reasonable probability and judgment, was to go forward, withal that the delay thereof did infinitely increase her Majesty's peril, and thereby hazard the whole estate; seeing it was imparted to some by her Majesty's own order, and no cause or possibility being sealed to keep it from the rest, as much interested in the cause as myself; and, finally, seeing I could neither, as I take it, in law nor duty of a good subject, conceal it from them, the cause importing so greatly her Majesty's life as it did, and the disposition both of the time and the state of things at home and abroad being such as it was, I trust it shall sufficiently appear that I was, both in reason, duty, and necessity, forced thereunto, unless I would have wilfully endangered myself, whose offence, if aught in the mean time had happened amiss unto her Majesty, must have been, in my own censure, worthy of a thousand deaths; and as to my pro-

ceeding therein with the rest of my Lords, after it was resolved that it was neither fit nor convenient to trouble her Majesty any farther with it, considering that she had done all that the law required at her hands, and that she had, both to myself and others, signified, at other times, her indisposition to be acquainted with the particular circumstances of time, place, &c. and that to detain the warrant, in expectation of any farther directions from herself, was both needless and dangerous, considering the hourly hazards her Majesty lived in. And, finally, that my Lords, knowing her Majesty's unwillingness to bear all the burthen alone, were content most resolutely, honourably, and dutifully, to ease her as much as they might; with what reason and justice should I have hindered the course of justice, tending so greatly to her Majesty's safety and preservation of the whole realm; and for the other part of keeping it by me to such ends as is before alledged, I trust the world doth not hold me so undutiful to her Majesty, or ill advised for my particular, as to take such a charge upon me, to the evident peril of

her Majesty's life, subversion of the whole estate, and mine own utter overthrow; neither is there cause to think, I speak in all reverence, and under her Majesty's gracious favour, that her Majesty, having proceeded so far as she had done, to the trial of that lady's fact, found her guilty, by a most honourable Jury of her Nobility, assembled her Parliament only for that purpose, graciously heard their petitions, and dismissed them with so great hope, published afterwards the Proclamation for her disablement, rejected the suits both of the French and Scottish Kings for her life, and returned their Ambassadors hopeless; confirmed the imprisonment by her letters to both Princes (some of which it pleased her to communicate with myself), protested many hundred times her necessity and resolution to go through with all (albeit for sundry reasons she had so long deferred it), having given her commandment to me many days before, to bring up the warrant unto her, and then voluntarily sent for it by my Lord Admiral, signing it as soon as I brought it, her express commandment given me to carry it to

the seal, and to have it secretly handled. And, finally, her particular direction, whilst she was signing other things, at the same time to have the execution done in the Hall, misliking that it should be done in the Green or open Court, with a number of other foregoing and following circumstances, may sufficiently testify her Majesty's disposition to have it proceeded in. Albeit she had to myself and others declared her unwillingness to have been made acquainted with the time and other circumstances, having done all that the law required of her, or that in honour was fit and expedient for her to do.

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* Printed in the Appendix to Robertson's History of Scotland.

APPENDIX D.

From Cottonian MSS. Caligula C ix. f. 470. *

The objections against Mr. Davison, in the cause of the late Scottish Queen, must concern things done either

1. Before her trial at Fotheringay ;
2. During the Session ;
3. After the same.

1. Before her trial he neither is nor can be charged to have had any hand at all in the cause of the said Queen, or done any thing whatsoever concerning the same, directly or indirectly.

2. During that session he remained at Court, where the only interest he had therein was, as her Majesty's Secretary, to receive the letters from the Commissioners, impart them to her Highness, and return them her answers.

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* Printed in the Appendix to Robertson's History of Scotland.

3. After the return thence of the said commission, it is well known to all her Counsel,

1. That he never was at any deliberation or meeting whatsoever, in Parliament or Council, concerning the cause of the said Queen, till the sending down of her Majesty's warrant unto the Commissioners by the Lords and others of her Council.

2. That he was no party in signing the sentence passed against her.

3. That he never penned either of the proclamations publishing the same, the warrant for her death, nor any other letter or thing whatsoever concerning the same. And

That the only thing which can be specially and truly imputed to him is,

The carrying-up the said warrant unto her Majesty to be signed, she sending a great Counsellor unto him with her pleasure to that end. And

Carrying it to the great seal of England, by her own special direction and commandment.

For the better clearing of which truth it is evident,

1. That the warrant, being penned by the

Lord Treasurer, was delivered by him unto Mr. Davison, with her Majesty's own privity, to be ready to sign when she should be pleased to call for it — (and was sharply reproved for the same by a great Peer * in her Majesty's own presence).

2. That being in his hands he retained it at the least five or six weeks unpresented, not once offering to carry it up till she sent a great Counsellor unto him for the same.

3. That having signed it, she gave him an express commandment to carry it to the seal, and, being sealed, to send it immediately away unto the Commissioners, according to the direction, herself appointing the Hall of Fotheringay for the place of execution, misliking the Court-yard in divers respects; and, in conclusion, absolutely forbade him to trouble her any further, or let her hear any more thereof till it was done, she, for her part, having (as she said) performed all that in law or reason could be required of her.

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* This interlineation is placed exactly as it stands in the original; but it appears that the word "Counsellor" was first written, and the word "Peer" afterwards substituted for it.

4. Which direction notwithstanding he kept the warrant sealed all that night, and the greatest part of the next day, in his hands, brought it back with him to the Court, acquainted her Majesty wherewithal, and finding her Majesty resolved to proceed therein according to her former directions, and yet desirous to carry the matter as she might throw the burthen from herself, he absolutely resolved to quit his hands thereof.

5. And hereupon went over unto the Lord Treasurer's chambers, together with Mr. Vice-chamberlain Hatton, and in his presence restored the same into the hands of the said Lord Treasurer, of whom he had before received it; who from thenceforth kept it till himself and the rest of the Council sent it away.

Which, in substance and truth, is all the part and interest the said Davison had in this cause, whatsoever is or may be pretended to the contrary.

Touching the sending down thereof unto the Commissioners, that it was the general act of her Majesty's Council (as is before

mentioned), and not any private act of his, may appear,

1. Their confessions;

2. Their letters sent down therewith to the Commissioners;

3. The testimony of the Lords and others to whom they were directed, as also of

4. Mr. Beale, by whom they were sent;

5. The tenor of her Majesty's first commission for their calling to the Star Chamber for the same, and private appearance and submission afterwards instead thereof before the Lord Chancellor Bromley;

6. The confession of Mr. Attorney General in open court, confirmed

7. By the sentence itself upon record;

8. Besides a common act of Council, containing an answer to be verbally delivered to the Scottish Ambassadors then remaining here, avowing and justifying the same.

Now, where some suppose him to have given some extraordinary furtherance thereunto, the contrary may evidently appear by

1. His former absolute refusal to sign the band of association, being earnestly pressed thereunto by her Majesty herself;

2. His excusing of himself from being used as a Commissioner in the examination of Babington and his accomplices, and avoiding the same by a journey to Bath;

3. His being a means to stay the Commissioners from pronouncing of the sentence at Fotheringay, and deferring it till they should return to her Majesty's presence;

4. His keeping the warrant in his hands six weeks unpresented, without once offering to carry it up till her Majesty sent expressly for the same to sign;

5. His deferring to send it away after it was sealed unto the Commissioners, as he was specially commanded, staying it all that night, and the greatest part of the next day, in his hands;

6. And, finally, his restoring thereof into the hands of the Lord Treasurer, of whom he had before received the same.

Which are clear and evident proofs that the said Davison did nothing in this cause whatsoever contrary to the duty of the place he then held in her Majesty's service.

Indorsed, "The Innocencye of Mr. Davison in the Cause of the late Scottish Queen."

APPENDIX E.

Copied from the Harleian MSS. 419. f. 168.

Articles ministered the 12*th of March to Mr. Davison by Mr. Vice-chamberlain and Mr. Wolley.*

1. Whether upon the signing of the warrant her Majesty gave it not in express charge and commandment unto you to keep the same secret, and not to utter it to any body?

2. Whether her Majesty commanded you to pass it to the great seal?

3. Whether when it was passed the great seal, her Majesty charged you not on your life not to let it go out of your hands until you knew her further pleasure?

4. Whether her Majesty ever willed or commanded you to deliver it to any body, or to cause it to be executed?

5. Whether six or seven days after it was passed the great seal and in your custody, her Majesty told you not in the gallery that she had a better way to proceed therein, than that which was before advised?

1. To the first he answereth, that he hopeth her Majesty doth not forget how she commanded my Lord Admiral to send for him to bring the warrant unto her, having, as his Lordship told me, resolutely determined to go through with the execution: that upon my coming to her it pleased her to call for the warrant and voluntarily to sign it, without giving me any such commandment as is objected, which he affirmeth in the presence of God.

2. To the second, he trusteth that her Majesty in her princely and good nature will not deny to have given him express order to carry it to the seal, and how she willed it should be forthwith dispatched; whereupon, he offering to have gone to my Lord Chancellor the same forenoon it was signed, she commanded him to go in the afternoon, because of some other business he had, which he did accordingly: so as it was between five

and six o'clock at night ere he was with my Lord Chancellor, so as my Lord Admiral knowing it by the occasion above remembered, and my Lord Chancellor by her Majesty's express commandment, besides, that at the same time it pleased her Majesty to give him order to impart in his way to Mr. Secretary Walsingham, as her Majesty may best remember, he hopeth there shall appear no cause of any such commandment to conceal it, and not to utter it to any, as is objected.

3. To the third, he protesteth before God he neither remembereth nor received any such commandment given him, for if he had, he would not have concealed it from my Lords that joined in sending down the said commission.

4. Fourthly, he answereth, that as her Majesty did not expressly will him to deliver it to any body, so did he never understand her Majesty's meaning to be other than to have it proceeded in, considering the hourly danger she lived in, and how much, therefore, it importeth herself and state, besides other reasons too long to be here rehearsed.

5. To the fifth, he remembereth that upon some letters received from Mr. Paulet, her Majesty falling into some complaint of him upon such cause as she best knoweth, she uttered such a speech that she would have matters otherwise done, the particulars whereof I leave to her best remembrance.

On the 14th March Davison was further questioned.

Interrogatories the 14*th March*, 1586.

1. Did not her Majesty after the commission passed [remark] unto you how great a charge the same was then remaining in your custody, and how needfully you ought to look to the safe and secret keeping thereof, and that the same should remain until some further or other occasion did require?

2. Did you not answer, upon your life and faith, that nothing should be done therewith without her princely pleasure first known, and that with all care you would look to the matter as appertained, according to her gracious admonition?

To the first he answereth, in all duty and reverence under her Majesty's favour, that

he never received any such charge from her Highness to his remembrance, as he shall answer before the living God.

To the second he saith, that after the bill was signed, and himself directed from her Majesty to carry it to the seal, willing him it should be secretly used, he promised her Majesty to do it with that care and secrecy that appertained, which is all he doth or can remember touching that purpose, as he protesteth before God.

Interrogatories the 16*th of March*, 1586.

1. Did not her Majesty upon signing of the warrant tell you that she committed a matter of high trust unto you, and such as was rare to be committed to a man of no longer . . . . . than you were of, charging you to keep it secret, and carefully for that she minded to use it according to her pleasure, and what answer made you thereunto?

2. Did you not then pray her Majesty, that for certain respects which you then alleged, you might open the same to Mr. Secretary Walsingham, and did not her Majesty give you leave so to do?

3. Did not her Majesty, the next day

after the signing of the warrant, send to have stayed it from the seal? And when you told her it was already passed the great seal, did not her Majesty then give you a more straight charge than before, to use greater care and circumspection in the safe and secret keeping of it?

4. Did not my Lord Treasurer in her Majesty's presence and hearing, before the signing of the warrant, find fault with you that you brought not the warrant to be signed by her Majesty; and did he not say it was good to have it signed, that it might be in readiness whatever should happen; and that her Highness might trust either the Lord Chancellor, or him the said Lord Treasurer, or yourself, or some other, with the secret and careful keeping of it?

5. Did you not ask her Majesty after the warrant was sealed what you should do with it? and what was her Majesty's answer?

6. How many days kept you the warrant in your hands after the sealing of it? Whether did her Majesty command you to deliver it, or did you make her Majesty privy thereto before? Or what moved you to keep it so long before you delivered it?

7. Did not her Majesty, five or six days after the signing of the warrant, tell you that she meant to take another course?

8. Whether have you sent, or caused any to ask, advice and council touching the degree and quality of your offence, and how far you might be touched by law for the same?

1. To the first he answereth, as before God, he remembereth no such circumstance or charge as is here objected; only this he remembereth, that her Majesty directed him to carry it to the seal, willed in general terms that it should be secretly used, wherein he promised her Majesty to take that care that appertained.

2. To the second he protesteth, before the living God, that he remembereth no motion of his own to that effect, but this he remembereth well, that her Majesty willed him in carrying it to the seal, that by the way he should impart it to Mr. Secretary Walsingham, because, as she was pleased merrily to say, she thought the grief thereof would kill him, or in like words, with some other commandment to him, which he hum-

bly leaveth to her Majesty's best remembrance.

3. To the third he confesseth, that the next morning after the warrant was sealed, being at his house in London, Mr. William Killegrew came unto him with this message from her Majesty, that if he had not been with my Lord Chancellor he should stay till he heard further from her: to whom he gave this general answer, that he would be at the court as soon as himself, and give her Majesty an account of what he had done, whereupon, repairing to her Majesty immediately upon his return to the Court, her Highness asked him whether he had been with my Lord Chancellor? He answered, he had been with him the night before, and passed the warrant under the seal according to her direction; whereupon she asked what needed that haste? Whereto he answered, that he had done no more than fulfil her pleasure and commandment, in a matter which as he thought was not to be dallied with, and so left her to his conceit very well satisfied.

4. To the fourth, he doth remember that certain days before the signing of the warrant he was in her Majesty's presence, re-

proved for not bringing it up with him to be signed; but whether my Lord Tresurer used any such speech as is here set down, he doth not in truth remember.

5. To the fifth, he doth unfeignedly protest that he never moved any such question to his remembrance, as he made no doubt of her Majesty's meaning to have it proceeded in, after it was once passed under her hand and seal; considering how much it touched her own life, and the safety of her whole kingdom, both which he took to be dear unto her.

6. To the sixth, he sayeth it was signed as he remembereth on Wednesday morning the first of February, and sealed the same afternoon, about five of the clock. The next day he brought it back to the Court, and on Friday my Lords resolved to send it down to the Earls, the rather in regard of the general tumult and trouble in every part of the realm about the hues and cries, and seditious bruits raised about the Scottish Queen's escape: the consequence whereof they all greatly doubted. He sayeth also, there was no special commandment given him by her Majesty to deliver it to any par-

ticular body, neither did he make her privy to the sending down thereof.

7. To the seventh, he doth remember that some days after the warrant was sent down, her Majesty, upon the receipt of a letter from Mr. Paulet, had some speech with him to like effect, as that she could have it otherwise done: the occasion and circumstances whereof he humbly leaveth to her gracious remembrance.

8. To the eighth, he answereth, what any friend of his might do for his own satisfying he knoweth not, but that himself ever gave direction to any man to make any such enquiry he denieth, as he that hath the testimony of a good conscience, to have done nothing willingly that might offend her Majesty, whose favour hath been ever as dear unto him as his own life: and so he hopeth that her Majesty, in her princely and gracious nature, and experience of him in the whole course of his life and service, performed with all uprightness and integrity, is fully persuaded of him.

APPENDIX F.

The Arraignment of Wm. Davison (Secretary of State to Queen Elizabeth) in the Star-Chamber, for Misprision and Contempt: 30 *Eliz. March* 28, *A. D.* 1587.*

Before Sir Christopher Wraye, Chief Justice of England, who for the time sat as Lord Privy-seal; the Archbishops of Canterbury and York; the Earls of Worcester, Cumberland, and Lincoln; the Lords Grey, Lumley, Sir James Croft, the Comptroller; Sir Gilbert Gerrard, Master of the Rolls; the Lord Chief Justice of the Common Pleas, Edmund Anderson; Sir Roger Manwood, the Lord Chief Baron; and Sir Walter Mildmay, the Chancellor of the Exchequer; for hearing of a matter of Misprision and Contempt against Mr. Davison, late one of her

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* MS. in Caius Coll. Camb. Class A. 1090, 8. p. 267. MS. in the Bodleian Libr. sub. tit Juridici, 7843. 862. p. 235.

Majesty's Secretaries, and one of her Privy-Council, by virtue of a Commission to them directed.

Whereupon Mr. Popham, the Queen's Attorney-general, spake in form following: My Lords, "I am to inform your Lordships in her Majesty's behalf, of a certain great and grevous Contempt and Misprision against Mr. Davison, the prisoner at the bar, late one of her Majesty's Secretaries. The manifold and sundry practices committed by the Scottish Queen are not unknown unto your honours, which were offences in the highest degree, and required to be looked unto with speed. It is well known unto your lordships also that thereupon, by earnest entreaty and intercession, her Majesty at length condescended that the matter should be heard and decided according unto law. Whereupon were those honourable proceedings had at Fotheringhay. But the residence which belonged thereunto, to wit the execution, her Majesty politically neither consented unto, nor denied, esteeming no clemency in the former, nor wisdom in the latter. Which course she held from the 25th Oct. all Nov. Dec. and Jan. Dur-

ing which time, most horrible conspiracies against her Majesty's sacred person were contrived, most false rumour that the Scottish Queen was escaped, spread abroad, and bruited that foreigners were landed for invasion, all which, for preservation of the Scottish Queen, and prejudice of ours. Upon these considerations, her Majesty assented to sign the warrant for her execution, by whom such tumults were raised: notwithstanding, being moved to mercy by her great wisdom, she thought it necessary to have it in readiness, if any attempts should be begun, and yet not in haste in execute the same: this, so signed, she left with Mr. Davison to carry to the great seal to have it in readiness as aforesaid. And he, after the sealing, and without her Majesty's commandments, presented it unto the Lords without her privity, contemptuously. Notwithstanding, upon the delivery thereof to him, her Majesty bid him use secrecy. And upon question made by the Lords whether her Majesty continued in that mind for execution of the Scottish Queen, he said, she held that course still; and upon further question made, said her Majesty would

not be further troubled with that matter. Whereupon the Lords, seeing no impediment, dispatched the execution, wherein Mr. Davison did break the secrecy her Majesty reposed in him, in delivering it unto the Lords, and dealt very contemptuously in not making her privy, knowing her mind to be to the contrary. For her Majesty sent Mr. Killegrew unto him, commanding him, if it were not sealed already, it should not be sealed; and after, when he told her Majesty it was sealed already, she asked him what haste? This act so done by him, he being but a particular counsellor, her Majesty doth take it a matter of high indignity and abuse of her counsellors, and a thing of the greatest moment that ever happened since her reign, since which time never any counsellor in matters of far less importance proceeded without her resolution or privity, which thing she leaves to your honours' consideration for punishment thereof."

Davison, with a comely countenance, replenished with gravity, a fine deliverance of speech, but a voice somewhat low (which he excused by late sickness), discreetly answered in sort ensuing.—" My Lords, I am

right sorry that an action of this nature, for the honourable proceedings against the Scottish Queen, than which never was any thing more honourable, should, after the full and laudable performance thereof, be called into question. Again, my Lords, I am most sorry that her gracious Highness should conceive such an high displeasure against me, as to trouble your honours with me at this present. But as in all my actions heretofore, I have been most faithful and forward to do her Majesty's commandments; so in this, by your honour's favour, let me bear the testimony of my conscience, that I have done nothing wittingly or willingly, but as became an honest man. And therefore, first, that I delivered it unto the Lords without her commandment, or against her commandment; let it be lawful for me with your honours leave to protest the contrary."

To that the Attorney answered, "I said not that you delivered it unto the Lords against her commandment, but that you knowing her mind to be contrary to it."

Davison to that replied, "Well, then, I desire to have the proofs:" whereupon the Solicitor-General read his Examination,

wherein to the sixth point he sayeth, "That after the signing and sealing he made her not privy to the sending down."

Mr. Davison to that answered, "My good Lords, the warrant for the execution was signed and sealed by her Majesty's express commandment; which being so, I take it to be irrevocable in law. Whereupon, by the advice of the Lords it was sent down, she not being privy to sending it down, wherein I thought I dealt as beseemed me: for writs of execution do not use to come to her Majesty. That I was so forward, I thought it my duty, and for no other reason I protest; for I never had any private grudge or hatred against the Queen of Scots, but in respect of my country and common-weal. The warrant rested with me six weeks before I presented it, and when I presented it, my Lord Admiral will witness I was sent for. The place I held, I protested I never sought for: it pleased her Majesty for some gracious opinion of me to prefer me thereunto. In which I am assured I have not committed any wilful error, but as an honest man should do; for nothing in the world is more

dear to me than my reputation. I confess I said to some Lords, I took it to be her Majesty's pleasure to proceed therein, and I appeal to her Majesty's own conscience if I had not cause to think so. But she is my most gracious Sovereign; it is not my duty to say, if she gainsay; I will not stand in contestation with her, for it beseems me not, and therefore I submit myself to what punishment your honours shall please to lay upon me."

To that the Solicitor (Egerton) answered, "Mr. Davison, you do well to extol the honour of the proceedings, for it beseems you, and so the truth was. But I must tell you the more honourable the proceedings were, the more is your contempt in not making her privy. In reserving the execution, I note her Majesty's magnanimity, who not regarded the dangers of her own self, to continue the other's life. And yet her wisdom is therein to be commended, who thought good to have it in a readiness, with intention to have clemency so long as might be. In not contesting with her Majesty you observe duty, but by your means

was a great contempt; and further, she said to you, you should use it with great secrecy."

To which Mr. Davison said, "I confess it;" and the Solicitor replied, "Why then that was a caution not to do it without her consent: so notwithstanding your intention was good, it was a foul error. Whereto Davison rejoined, "She is my most gracious Sovereign, as good a mistress unto me as ever any servant had, and what I have I had it at her hands, I hope therefore, my Lords think me not so unwise as to offend her, unless by oversight; but that I did it wittingly or willingly, I protest I did it not. And notwithstanding she sent Mr. Killegrew that it should not be sealed, if it were not sealed already: yet it proves not but that she had a mind to do it when it was sealed. She said unto me, what haste? whereto I answered, I had done it by her Majesty's commandment, and that such a thing might not be dallied withal. Now, my Lords, the reasons to move me to think it was her Majesty's meaning, were sundry and divers: first, the honour and justice of the cause: next, I knew of advertisement

from beyond the seas of her Majesty's imminent dangers. Also I was privy to the proceedings at Fotheringhay. I was not ignorant of the doings in Parliament; last of all, the rumour of invasion, the cries and tumults in the realm which moved me, having no express commandment to the contrary, to do as I did."

When he had said this, Mr. Solicitor read his examination, where to the second he saith, "When her Majesty bade him use secrecy, he said he would be as careful and secret as should need: to the third, he confesseth Mr. Killegrew came unto him, telling him, if it were not sealed already it should not be sealed. To the seventh, after the warrant was sealed, her Majesty asked him, what haste? Whereto Davison answered, "Though her Majesty commanded me to keep it secret, and I told the Council of it; how can I be thought ill of for that? For her Majesty bade me expressly shew Mr. Secretary Walsingham thereof; my Lord Chancellor must needs know it, for as much as he must seal it. And her Majesty made my Lord Admiral privy thereunto; why then might I not make it known

to some others that were chief counsellors?

To that said Mr. Attorney, though Mr. Walsingham should know it, yet it was not general. Mr. Davison answered, "Neither was I verbally commanded to conceal it from the rest." Then said the Solicitor, "Another matter makes against you: my Lord Treasurer did ask you, whether it was her Majesty's pleasure? and you answered, yea. "To that," said Davison, "I remember not that." The Solicitor replied, it is Lord-Treasurer's testimony. And Davison rejoined, "I reverence his testimony," and proceeded, saying, "My Lords, the cause is between her Majesty and me; she is my gracious Sovereign, and I her servant, it behoveth me not to say if she gainsay, neither could I, as I said, contest against her; yet let me protest that in my own conceit I have dealt as sincerely, soundly, and honestly as any servant could do."

Then spake the Lord Chief Justice of England saying, "By that if she asked you, what haste? you might know it was her pleasure to defer it, and therefore you to do it without her commandment was a great offence."

Then spake Gawdie the Queen's Sergeant, "My Lords, four things I note that Mr. Davison confesseth; first, that her Majesty made him use secrecy. Next, the warrant being sealed, Mr. Killegrew was sent unto him, that were it not sealed already, it should not be sealed at all. Thirdly, he confesseth that her Majesty was content he should shew it to Mr. Walsingham, which proves she minded to keep it from the rest; and it had been his duty to have known her pleasure: and therefore for so much as he confesseth this, I take it to be a great contempt, indignity, and misprision, for him to say his intent was good; he thought it so is no answer. Fourthly, her Majesty told him, she thought of some other course to be taken, and he gave her no answer; besides, he confesseth he told the Lords it was her Majesty's pleasure upon such a demand made."

Davison answered, that "general demand was made." Gawdie replied here, "It is the Lord Treasurer's testimony." Davison rejoined, "Let me have right: it was but privately demanded between my Lord Treasurer and me. I will not speak in excuse,

but only to answer; I demand, whether the imparting of it to the Council be such a contempt: farther, there is difference between an express commandment, and an implied speech. The loss of my place I do not esteem, neither weigh I this disgrace; only her Majesty's disfavour is the thing that grieves me."

Then Puckering, the Queen's Sergeant, began to speak, aggravating Davison's offence, and forward to accuse, and yet seemed more *pro forma tantum* than of any matter he had to charge him withal, more than had been spoken of before. Whereupon Davison answered, "All this speech is answered, but that I made her not privy; whereto I say, I made her not privy in respect my Lords of the Council thought it not necessary, because it was not fit she should be privy to the execution. I will not stand upon terms, as I say, for it becomes me not, but submit myself to your honours' censures."

Then said Mr. Wraye, "Mr. Davison, to say it was irrevocable, you are deceived, for she might do it at her pleasure." Then said Mr. Davison, "I beseech you, my Lords, make means to her Majesty that I may have

her favour, for the rest I wave it not." Whereupon Wraye willed Sir Walter Mildmay to deliver his opinion; who began in form following:

"How honourable her Majesty, our gracious Sovereign, hath dealt in all justice, is known to all the world, against such traitors, by whom her life should have been taken away; whereupon should ensue subversion to the whole state, upon the proceedings whereof it appeared that the Scotish Queen was chief author, dealing most ingratefully against her who before time had saved her from them that vehemently sought her destruction. And notwithstanding that her Majesty might have proceeded against her as a private person, yet she granted her commission to great persons to hear what she could alledge in her defence. And albeit, that upon the hearing thereof she was declared to be guilty, yet none could think execution might be done without her Majesty's express assent." Then he dilated of the proceedings of Parliament, the petition, her answer thereunto, wherein he noted her wisdom in not being hasty in so high a matter; he shewed, farther, how she was

contented to hear ambassadors, if they could propound any thing in her defence. After-ward followed the proclamation, to notify the proceedings passed unto the people; "for people," said he, "be desirous to hear of state matters, and I warrant you itch to understand what we do here; herein," said he, "was justice, mercy, and discretion. Afterwards, upon the . . . . . and cries, she thought it necessary to look unto it; upon this she sealed her warrant, yet continuing her former clemency, not to put it in execution; for as it was in her to grant that it should be done, so she might stay and defer it; which she so meaning, it behoved her to trust somebody, and so," said he, "she did this gentleman; called unto her service upon trust, who for the acquaintance that I have had with him, was worthy of that place. This trust she committed unto him, and I am sorry," said he, "he was not in this so good a servant as in all other things. Surely he had notable cautions, not to have presumed in so great a matter to have done any thing without her commandment. His offence," said he, "I interpret in two degrees; an abuse to the trust, and the con-

tempt: for the first she willed him to tell it Mr. Walsingham, and it is no excuse to say, she forbade you not the rest: for you ought not to have told it unto any but she would. Also, which aggravates your offence, you told the Lords she was pleased. For the contempt, the writ was not delivered unto you, but had it not been delivered unto them to whom it was directed, then had it been a commandment. Your good intention was no answer, neither ought my Lords to allow of it, albeit per case I could allow it, because I know you. Also your fault is the greater, which you know. Farther, you were near her, and had time convenient to shew her; hereof," said he, "hath followed a greater mischief to the Queen's Majesty, which may turn to all our hindrance, for as much as our welfare depends upon our well-doing. Next," said he, "hath followed a dishonour to her Majesty, that she having governed this land so long time in all obedience, a servant of hers in this age should have so small regard. Now for my opinion of the offence, it resteth to consider what punishment is behoveful in such a case. Punishments in this Court are either corporal or

pecuniary, pecuniary by fines imposed upon offenders; and corporal, by punishments, and such like. Now," said he, "if the fine should be *secundum quantitatem delicti*, I think he should not bear it, for know his estate. Surely less than ten thousand marks may not be sufficient, which, though it be too great for his ability, yet is it too little for his fault. The qualification whereof resteth in them where I doubt not he shall find favour; next he must suffer imprisonment during her Majesty's pleasure, which must be reserved to her merciful mitigation.

And after him spake Manwood, the Chief Baron, who, in the beginning of his tale look so large a scope, as many did judge he would be tedious, as he was indeed. First he declared how in the very beginning the Queen of Scots betrayed her malice against the crown of this land when she was Queen of France, at which time she made letters patent as Queen of England; she usurped her Majesty's style, and she quartered the arms of England. Then he descended unto her doings when she was dowager; how she excused her former offences by reason of coverture; then he delared her mar-

riage with the Lord Darnly; the murder of her husband; the practices with the bishop of Ross; her conspiracy with the Duke of Norfolk. To conclude, he couched the whole history which any way concerned her life or manners. At last he came to Mr. Davison's offence, which he took in law to be a misprision; and yet not every commandment of the Prince transgressed is a misprision. "But," said he, "when one is put in trust in a point of justice, which is the government of the commonweal, there a commandment transgressed is a misprision." For example thereof, he cited a case there in that place decided; meaning John Throckmorton's case, as may be deemed. "Also," said he, "if a sheriff exercise his office without an oath, that is a misprision. And," said he, "if one have power by law to do a thing, if he prevent the time wherein it ought to be done, that is a misprision. And if a Judge for expedition of justice should sit in judgment before the term, that is a misprision. Now," said he, "this is a miprision, because you prevented the time in doing it before you were commanded, although the thing were law-

ful: for you did *fustum*, but not *fuste*. Farther, by naming Mr. Walsingham in specialty, it was a secluding the rest in generality. And also, if the warrant were sealed, yet was it not lawful to kill her, because the direction was special, and not general. So then," he concluded, "the contempt was great, and the punishment assessed by Sir Walter Mildmay worthily deserved, whereunto he agreed.

After him spoke Anderson, Chief-Justice, who said the proceeding had been honourable, which he would not speak of, being known unto all men, and having been spoken to before. "But to come to the case in question; in the accusation," said he, "be two parts, first, that Mr. Davison, without her Majesty's commandment, sent it down; and the second, that against her command he made the Lords privy. For the first, he confessed; to the second, he saith she bade him use secrecy. The causes alledged by him are good, and yet the proceeding therein, that which caused the offence, the words 'use secrecy,' and not to cause it to be published or known to any. Then his being one of her Majesty's Council, the

fault is bad; and it is the worse, because by her saying 'what haste,' he might gather what her intent was. Mr. Davison saith he excuseth it by love to the commonweal, which a man may term blind love, which is no excuse, but it remaineth a contempt, and a contempt is a misprision; and yet is not every misprision a contempt. If a man do a thing without a warrant, it is a contempt; and so he concluded this to be a great offence worthy the punishment inflicted upon him, and so ended."

After him spake the Master of the Rolls, agreeing with the censures of them that spoke before, and that Mr. Davison's great zeal made him forget his duty: also saying, "that the point did rest, whether he did know it was her Majesty's pleasure it should be stayed, which," said he, "appeareth by his own confession; and therefore he agreed with the former censures."

Next spake Sir James Croft, who said not very much; and yet spake somewhat; that he loved the man well, and so had cause, saying that he had no lack of goodwill, but yet had grievously offended. So

he subscribed in opinion to the former judgment.

After him spake the Lord Lumly, who divided the offence into two parts; first, the neglect of his duty; and, secondly, the breaking of his duty; saying, further, "that the Judges had told the law, and we must believe them, that it is within the compass of a contempt. The matter," said he, "is evident: for, first, her unwillingness in the Parliament was a signification of her mind which he let slip. And farther, in saying that she was of that mind still, surely you spake without the book, which was a very bold part; for you ought to have told them how doubtful it was; yet, Sir, you took a worse course, that such a high matter, by your persuasion, as it should seem, should be done without her privity. Why," said he, "what an abuse of the counsellors was this? Surely a great abuse! and if it were a fault against them, much more against her Majesty: this is one of the highest offences, by my trowth (for so he sware) that ever subject did against the Prince; and though you were my brother and heir (before God I speak it), I think the punishment too

little; yet with no offence to you, but for the quality of your fault. But, I say, had a greater fine been imposed upon you, I would easily have agreed thereunto."

After him spake my Lord Grey, who said, "two points were spoken of, the first touching the Queen of Scots, and the next Mr. Davison's offence. For the first," said he, "it is largely discoursed; for the last, my good Lords let me crave your farther examination. His offence is made the more for divers circumstances; the first circumstance is, for that it was for execution of a Queen, but what Queen? Surely such a Queen as practiced most horrible treasons against our Sovereign Queen! such a Queen as conspired the overthrow of the whole state! yea such a Queen that sought the subversion of Christ's true religion, to bring our souls headlong to the Devil! So then, my Lords, the taking away such a Queen can no way aggravate his fate. The second circumstance is, his breach of secrecy, which he excuseth, that he told it but to the chief Counsellors: whereas Mr. Walsingham, my Lord Admiral, and Lord Chancellor, either by necessity, or commandment from her

Majesty, did know it undoubtedly. Whatsoever the Lords before me have thought, his answer in the behalf doth satisfy me, and so I am resolved. For the third point, she asking what haste? and he afterwards to send it down without her privity, here, even here, is the full proof of the contempt; here is that that causes the offence, which he seemeth to acknowledge; yet with two considerations, the first, the seditious tumults within the realm; the next, advertisements from Ireland and beyond the seas. Now, my Lords, must not these considerations move him rather to put himself in her Majesty's mercy, by dealing without her commandment, than commit her Majesty to the mercy of her foes by obeying her? For had that other thing happened (which God forbid), that her Majesty would have miscarried, and then this warrant, signed and sealed, had been found in Mr. Davison's hands, wanting nothing but execution, should we not then have judged him a traitor? Should we not have torn and rent him asunder? Surely, my Lords, I should then have thought him more worthy of ten thousand deaths, than now of the least punishment that

may be inflicted upon him; for each of us, in preservation of our country, ought to lose our lands, our livings, and sacrifice our bodies; howbeit, I excuse not his offence, neither do I agree it as a contempt, and I agree with the punishment: and yet I think his fault proceeded from a very good zeal he bore unto his country; and I pray God that that peculiar ornament of pity and compassion wherewith her Majesty is singular, may be so extended towards him that all good subjects, by his example, may neglect their own private hindrance or disgrace in respect of the furtherance of the weal public.

After him spake the Earl of Lincoln, who for his opinion thought it was but negligently done, and not contemptuously; but had it been done in contempt, he would then have thought fine and imprisonment no sufficient punishment for an offence of that quality; "yet the offence being as it is, for company," said he, "I agree to the fine: but in mine opinion it is too much, saving that I know her Majesty is merciful; and for the rest I agree with my Lord Grey."

The Earl of Cumberland repeated the case, neither aggravating nor denying the offence;

but briefly concluded, he agreed in opinion with Sir Walter Mildmay.

And the Earl of Worcester said nothing, saving that he was of the same mind with Mr. Chancellor, that spake first.

After him spake the Archbishop of York, speaking, as he was, like a Bishop rather than a Judge, to decide a matter which did concern the State; for he inveighed against Mr. Davison's offence by places of Scripture; "Obedience," said he, "is the only virtue, and disobedience the contrary; and God requireth nothing else but obedience. St. Paul saith, 'Let every soul be subject unto the higher powers,' &c. And when Joshua was appointed Ruler over Israel, the people said, 'They would obey him in all things.' If, then, they ought to obey a Prince in all things, much more in those things which be good. I am sorry," said he, "for Mr. Davison, for he did it neither wittingly nor willingly, as I think certainly, but of a good mind to cut off our common enemy: that it was a good deed, must needs be confessed; but that it was not well done, must needs be granted. To reveal secrets was bad; for her Majesty imparts not each part of her

counsel to every Counsellor; so then his offence was a disobedience, and a great fault. He allegeth in excuse, I think, a good intention, but that excuseth not the fault: for *obedientia est melior quam sacrificium.* And St. Paul saith, *Non facimus malum ut inde veniat bonum.* Therefore," said he, "the offence was great, too dangerous; for, in such a case, one would be twice advised, if he were either honest or wise. Last of all, he concluded he agreed with the punishment assessed;" and so ended his sermon.

Then spake the Archbishop of Canterbury, "That the matter had been opened; first, concerning the doings of the Scottish Queen, whom he thought, living or dead, was ordained to disturb and trouble the State of England. Then concerning Mr. Davison's offence, albeit," said he, "that which is done could be wished to be otherwise done; yet none, I hope, would wish it were undone. Whatsoever he did, in my opinion," said he, "he did it in the superabundant zeal of religion unto her Majesty and love to the Commonwealth. These be great arguments," said he, "and yet no excuse; for *modus non factum efficit culpam:* al-

though the act were good, yet can I not excuse him in the circumstance. Howbeit," said he, " the mercy in the Prince in deferring it was severe; for there is a severe mercy as well as a merciful severity: for it is written, ' He slew Og the king of Basan, for his mercy endureth for ever.' Yet, said he, mercy in a Prince is not to be restrained; and therefore, because the example may be dangerous hereafter, that Counsellors may presume to do without the commandment of the Prince, which is a mischief more intolerable than an inconveniency, therefore I agree to that punishment which is before agreed."

Last of all spake Wraye, Chief Justice, who shewed the cause, and said further, " that to every contempt a commandment was not necessary, which, in my opinion, was needful to be proved; for," said he, " the Bishop of Winchester came to the Parliament, and afterwards departed without licence, and therefore had a grievous fine set upon him. Myself, said he, am a Justice of the King's Bench; in the term we hear all matters of treason, by the reason of our office; and, out of the term, by commission of oyer and terminer, associate with others.

If," said he, "a commission should be directed unto me and others of oyer and terminer for a matter of treason, and we should arraign the person, and adjudge him to die, yet would I not put him to execution; and yet the commission is to hear and determine. Surely, I think you meant well, and it was *bonum*, but not *bene*. Finally, he agreed the punishment should be as it was first of all assessed. But farther," said he, "I must tell you, that for so much as the fault is yours, it declares her Majesty's sincerity and not privity in this action, and that she is offended therewithal. Farther, my Lords, I must signify unto you from her Majesty, that forasmuch as the Lords of the Council were abused by Mr. Davison's relation, in telling them she was pleased, and that which they did was for her safety, upon his wrong information, the Lords be sorrowful because they were abused by him; therefore her Majesty imputeth no fault unto any of the Councillors, but only to him; and the rest she doth disburthen of all blame.

This said, Mr. Davison craved leave to demand one question, and make one petition. "For your question," said Wraye,

"I think it was never the order in this Court, after the matter is heard judicially, to answer any question (which Sir Walter Mildmay affirmed); but for your petition you may speak." "Truly, my Lords," said Davison, "my question shall be such as in your own conscience shall seem reasonable." Whereat they neither gave him leave nor denied him. Whereupon Davison said, "If this warrant, being signed and sealed, and left with me, and wanting nothing but execution, it should have fortuned her Majesty should have miscarried, whether then" —"Nay," said Wraye and Mildmay, "now you enter into that which is discussed already:" "Yea," said Manwood, "that question was moved by my Lord Grey."

"Well then," said Davison, "I will not seek for present enlargement of my liberty, nor release of my imprisonment, although my body be not well able to endure it; only let your honours clear me, I beseech you, of all blemish of dishonesty, and be mediators for me, that I remain not in her Majesty's disfavour and disgrace; for I protest I shall be contented with any condition and state of life whatsoever, if I may have her

Majesty's favour." Whereupon the Lords universally answered, he spake like a good subject. And so the Court arose.

Though the above Trial of Mr. Davison is very full, yet the underwritten one, copied from a MS. in the Bodleian Library under the title *Juridici*, 7843. 862. p. 235. being something different, taken by an eye-witness and being short, we hope will prove acceptable to the Reader, especially as it relates to the treasons of Mary Queen of Scots.

Ex MS. penes Rob. Sherrill, 28 *Martii*, 1587.

The proceedings against Mr. Davison in the Star Chamber, by Commission not read, but directed to these thirteen following: 1. The Lord Chief Justice of England, as Lord Privy Seal for that day; 2. The Lord Archbishop of Canterbury; 3. The Lord Archbishop of York; 4. The Earl of Worcester; 5. The Earl of Cumberland; 6. The Earl of Lincoln; 7. The Lord Gray; 8. The Lord Lumley; 9. Sir James A'Croft; 10. Sir Walter Mildmay; 11. The Master of the

Rolls; 12. The Lord Chief Baron; 13. The Lord Anderson.

The sum of that which was proposed and enforced against him by her Majesty's Counsellors at Law.

The matter laid against him is a great and heinous indignity, as her Majesty taketh it, committed by him in this last proceeding against the late Scottish Queen, which, although it were in itself most just and honourable, yet in the manner of dealing concerning it, Mr. Davison is charged by her Majesty with want of duty, &c. For whereas by the manifold defects of the said Queen, and that in the judgment of all the realm in Parliament, her life was now to satisfy the law, and thus necessary for the preservation of the whole realm, as was shewed; yet her Majesty of her natural most gracious and merciful disposition, after the so honourable condition and proclamation of the Scottish Queen's guiltiness, notwithstanding so many important allegations and vehement intercessions, could not be brought to condescend to the execution; rather desiring, by all means possible, if there were any

hope of amendment and reclaim, to spare where she might honourably spill, than to spill where she might honourably spare; and in this mind she continued from October to the end of January. But when she saw that her malicious enemies daily increased their wicked attempts against her and the State, that rumours were spread and information given daily of attempts by invasion, by rebellion, by violence upon her royal person, to work a change and delivery of the said Queen, she most wisely resolved at length to have a Bill or Instrument, signed according to law and justice, in a readiness; whereby, upon all occasions or occurrences, she might be executed: and this of special choice and trust, she thought good to commit it to Mr. Davison, willing him to carry it to the Lord Chancellor, to have it under the broad seal, but withal charged him to keep it very secret, and not to make any acquainted with it. The very same day he carried it to the seal, and the next day after, having received charge from her Majesty by the Lord Admiral, that stay should be made, if it was not sealed; but he declared it was sealed the day before, &c.; whereto the

Queen replied, what needs that haste? The next day after this (which was, I think, on Candlemas day), my Lord Treasurer asked him, if he knew what mind the Queen had towards the execution? He answered to have it go forward; and so shewed it to him, and after to the rest of the Council, procuring their warrant down to present execution, the Queen having not notice nor knowledge of this; and after, when she conferred with him about another course to be taken, he concealed from her what had been done therein. These chief matters were proved by his own confession, in an examination before taken and urged against him, both in respect of himself being bound in especial obedience, not only as a subject, but as a servant, a counsellor, a secretary so much trusted, and yet not to keep secret, where special charge was given him; and in respect of the Queen, so good and gracious a Prince, so well deserving of him, the fountain and head of all justice and authority amongst us, and yet not to be made privy of the doing of such an act of so great a quality and importance as that was, wherein she had shewn herself always (and that most

apparently), whereof Mr. Davison could not be ignorant, both backward and unwilling to yield to that which all her realm desired and sued for at her hands; yet Mr. Davison, contrary to her known mind, procured with such haste (of what good purpose in himself this would not regard), but with apparent want of duty to his Sovereign, which did more appear in his concealing his proceedings when she purposely talked with him upon that matter as aforesaid, all which they left to the Counsellors to judge of.

Mr. Davison's Answer for himself.

Notwithstanding, at the bar, whither he was brought by his keeper, Sir Owen Hopton, being faint by reason of his late sickness, and carrying his left arm in a scarf, benumbed, I think, by his late taken palsy, he spake somewhat faintly, unaudibly; though being required by his Commissioners to speak higher, yet desired favour to speak as he could, which was to this effect: First, protesting that he was not guilty to himself of any wilful disloyalty, or breach of duty, but that he did always, since his first employment in her Majesty's service, endea-

vour to bear himself most serviceable and unblameable; and he took therein her Majesty's own self and God to witness; confessing also that his skill and experience was not yet great in this latter kind of service, whereto he was without his suit and above his expectation called; and for the matter protesting also that he would not for any danger, no not present death, in justifying himself disclose any private speech or commandment that passed betwixt her Majesty and him; nor would he, by any means, enter into any affirmation or avowing, which could not stand with his dutiful regard to her Majesty's honour, &c. but would admit all that against him; and, farther, that he would not in any part disclaim my Lord Treasurer's reports or testimony against him. But to the matters, he answered, first, that he was sorry that a fact of that importance and necessity, so honourable and profitable for the Commonwealth, should be so heavily taken against him; wherein he might take it on his soul that he did nothing but that which in his understanding might be agreeable to her mind, neither did he otherwise conceive of her meaning and purpose; and

that upon these inducements: First, the consideration of the thing itself, so just, so necessary, so honourable, so vehemently sued for by the whole realm. Secondly, in consideration of her Majesty, so gracious and wise a prince, so loving and careful of her subjects and commonwealth: and more strongly in consideration of her words which she used at the first delivery of the bill, "Now you have it, let me be troubled no more with it." Besides the sufficiency and perfectment of the said instruments for the said purpose, which was had by her directions, viz. as under the great seal; all which were, in his understanding, proof enough what her meaning was: neither was there any apparent and direct countermand, without the which he took that instrument to be irrevocable. For the charge of secrecy, he conceived her meaning was, that it should be kept from the common and public knowledge only; for she, being a prince so wise, did in his judgment consider what violent attempts the favourites of the Scottish Queen might by likelihood offer in that desperate plunge, if it should be known that such a warrant was signed for her execution, and

not from her Council. For her Majesty's self after willed, in his way to the Lord Chancellor, to impart it to Sir Francis Walsingham, that then lay sick at his house in London; herself made my Lord Admiral privy to it, in sending him to stay the seal, *ut supra;* and my Lord Chancellor, by sealing, must needs have some knowledge of it; and then why should he think the Council should not know it, being Privy Counsellors and Counsellors of Estate, if he imparted it to none but to my Lord Treasurer, and he to the rest, and that excusably in regard of the great credit and trust that her Majesty usually reposeth in my Lord Treasurer for matter of greatest moment and weight. Secondly, for sending down the warrant, he did it not without the opinion of the Council, and therefore no presumption in him; and in his own judgment he had sufficient warrant so to do by the first delivery of it from the Queen herself. Then considering the troublesome rumours that were then abroad, and that information came daily from Ireland and Wales of forces of people in arms, and the report scattered abroad that Fotheringhay Castle was broken, the

prisoners gone, that London was fired, and her Majesty made away — amongst these terrors what should I do? Did I not that which any honest man and good subject would do in such a case? Further, it is not custom in Court that particularities should trouble her Majesty in the execution of any such bills: but when she hath given, by her Royal assent, warrant, authority and life to it, the rest of the manner and means of execution is left to the Council; and for all other circumstances of time when, of place where, of persons by whom, especially in this cause, when her Majesty had said expressly that she would not be troubled any more with it. Thirdly, for the not imparting of it to her upon her communication with him, &c. "I had it by me five or six weeks before she spake any thing more of it, and was very unwilling to trouble her any more with it, especially remembering her words."

This was the effect of his defence, not uttered continuately, as I have set it down, but interruptly to the particulars as they were objected, in much more forcibly large

and choice terms; but I think that I have not left out any thing of weight. After this, the Commissioners began to speak judicially unto the matter, whose speeches I will, by way of abridgment, note where any thing was spoken different from others, and especially notable, for most of them had the same beginning of the Scottish Queen's demerits, &c.

1. The first that spoke was Sir Walter Mildmay. He handled eloquently the great causes the Queen had to deal severely with the Scottish Queen, and the importance of the Parliament thereto, and her Majesty's patience in forbearing, her wisdom in being willing, her natural and accustomable clemency in being slow; and compared her slackness with Mr. Davison's haste, though he knew her mind herein very well. Then he shewed that such things might not in any wise be extorted from princes, and that persuasions and entreaties are the uttermost that subjects can offer; for the prince's heart is in God's hand to dispose of. As for the Council, it is known that no prince's counsellors are farther made privy to any

thing than it pleaseth the prince, and oftentimes that is imparted to one that is concealed from another with great cause; and therefore you should not presume farther than you had express leave; much less to have been an encouragement to the rest to proceed therein upon your own opinion, howsoever your desire was for the end good and honest, especially seeing there hath not been the like example. So he concluded that the punishment should not be in regard to the man's ability, but to the quantity of the crime committed, (by his judgment) ten thousand marks, and imprisonment during her Majesty's pleasure. To which all after agreed.

2. Sir Roger Manwood, Lord Chief Baron. The second, shewed at large the Scottish Queen's perpetual evil mind to our Queen, to bereave her of her crown in her life-time, as her usurping the arms and style of England in possession, when she was first (out of the shell) married into France, her dissembling of it in her widowhood, by laying the fault upon her late husband, and yet then seeking to be proclaimed heir apparent in the life of her eldest sister (for she never

called her dear sister), which was a dangerous step to her purpose. After, in her second marriage, her bloodiness in consenting to her husband's murder, and upon that, flight and deprivation; her protection here by our Queen, not only in life but in honour; yet her assenting to the purposes of the Duke of Norfolk, and yet after that, though then our Queen would not suffer her for that to be touched, nor any way disabled, as many would have had her, not only agreeing to traitorous plots, but also complotting with them, and therein going beyond them all, so as we could never be in quiet, but we had a Somerville, and then an Alden, then a Throckmorton, then a Parry, and now lately Abington and Babington; her Majesty at length was forced to use a little severity with her accustomed, and one ounce of one with ten of the other. For even in this proceeding against her she might have been, by the Statute of Edward III. by a Jury of Esquires and Gentlemen, attainted and burned, and her blood corrupt; yet her Majesty did chuse, by a new order, to deal more honourably with her. Then he came to this fact of Mr. Da-

vison's, which he amplified by the consideration of her Majesty's mind in all this proceeding, as the other did before: the thing he took to be misprision and contempt in our law, punishable by fine and imprisonment; and he said, that misprision and contempt is to do any thing contrary to or besides the Prince's commandment in point of justice, not in other things; as Justices of Westminster to sit out of term, to raze indictments or records; and so he gave other examples, as in the Ministers of the Law; viz. Sheriffs to execute their offices, to return Knights to the Parliament without their oaths. So this thing then, being so high a point of justice, was not in any respect to be done otherwise than her Majesty's express commandment would bear, especially not with such haste, when she expressly declared her mind to the contrary; wherein Mr. Davison may seem by this haste, if her Majesty had any other purpose, to have prevented her, and God might otherwise have turned her mind; for it is not strange to hear of mutation in her Majesty in respect of this, as in the execution of the Duke of Norfolk, day and day was

appointed, and often her Majesty declared her unwillingness and lothfulness to have put him to death, if otherwise the law might have been satisfied. The commandment to impart it to Sir Francis Walsingham in especiality was an excluding the rest in generality; and, farther, what he told my Lord Treasurer could not be gathered of her Majesty's words, but rather the contrary; and the instrument was not so peremptory and irrevocable as he took it, nor a sufficient warrant for any kind of proceeding against the Scottish Queen, neither for his associates, nor for any other: for the last statute, besides the condition and proclamation, doth require the Queen's direction, and that must be either general, that all men may do it, which is not here granted, or particular, who, or by what means; neither is there here any such, especially her Majesty having no knowledge of the thing done. Further, she was the Queen's prisoner, and therefore no man might pretend to take her away, or deliver her without special privity from the Queen: and, lastly, he shewed that the good intent was no warrant to transgress duty, whereof he put a case or two,

as where judgment of death is given against one, and the Sheriff, for that he is a notorious thief or traitor, will hang him presently, before the Justice depart out of town.

3. Lord Anderson. He noted a difference in law between misprision and contempt, that one was larger than the other, and both in point of justice, and might be when the warrant of a Justice, or a Commissioner's letter in such matters, is not directly and straitly observed; and urged, that a Secretary should be secret, and that it was his duty to have an express commandment.

4. Sir Gilbert Gerard, Master of the Rolls. He handled the same matter that before is spoken by others, but somewhat otherwise.

5. Sir James A'Croft. He shewed his mind indifferently, with protestations of his good will and good opinion of the man; that it was a rare example, and committed, as he thought, for want of experience more than for want of duty.

6. Lord Lumley. He was somewhat sharp. Such commissions of execution are

sent to Sheriffs: you, no Sheriff, ought to be very particular for such great personages; you had no more commission than I, &c.; and of likelihood you have hereby prevented other good purposes, which God might have put into her Majesty's mind; and herein you have seduced so many grave Counsellors, &c. If you were my brother, I would think ten times so much to be little enough, &c.

7. Lord Gray. He proposed very vehemently the great exigence the good gentleman was in at that time. "My good Lords, consider," quoth he, "and call to mind in what case we were daily; there came advertisement of forces come and arrived in Ireland; in Wales; advertisements from abroad, from our provinces at home, even within fifteen miles of this city, of rising, firing, breaking up holders, yea, of the destruction of her Majesty's royal person: if otherwise then well had come to her Majesty's royal person, which of us would not have run to him, and torn him with our hands? My Lords, why should Davison be more zealous and forward for his Prince than we?" After that he replied to that of

my Lord Chief Baron, that the telling of Sir Francis Walsingham did not exclude the rest, as he proved, but rather implied and pre-supposed that the rest should know it: for without this especial information, he being sick in his house, and so absent from the Court, could not, in any due time, have knowledge of it. After he agreed to the punishments, but wished that her Majesty should have compassion on him, to encourage others that were zealous to deserve well of her and the State, and so he ended. *Vulgique secutum ultima murmur erat.*

8. Earl of Lincoln said little to the purpose.

9. Earl of Cumberland was very short.

10. Earl of Worcester was short, and as before.

11. Archbishop of York discoursed theologically of the necessity and worthiness of the virtue of obedience, even strictly to princes in all things; and that *non faciendum malum ut inde veniat bonum*, adding the difference between *bonum* and *bene* (as before my Lord Chief Justice of *justum* and *juste*, which I forgot afore to relate), and good intents do not make the fact excusa-

ble, and that he ought to have a direct, express, and iterated command; whereto he cited a rule out of Civil Law (wherein he said he was so sound and conversant) to this purpose. If the Prince commanded *aliquid magnum de libera, tenta si persistat, et habe secundam jussionem:* he concluded, he did agree to the punishment, but was sorry that Mr. Davison, of whom he had heard so well, should fall into this cause; he could not help it; a wiser man might have been led with zeal, and none of us would have it undone.

12. Archbishop of Canterbury, having said first somewhat of her who troubled us all, both alive and dead, and theologically of *misericordia puniens*, as out of the Psalm where God plagueth the enemy of his Church, "for his mercy endureth for ever;" for this present matter he said *non factum, sed modus*, was in question, a thing done, as he thought, unfeignedly, of zeal, and that which might have been better done in consideration of her Majesty's purpose to forbear her death, which could not be unknown to Mr. Davison; for such things are by no means to be wrested from princes. God will extra-

ordinarily move their hearts, and when it shall be most for his glory. This example, he said, might be dangerous and inconvenient hereafter; and therefore he concluded it rather a mischief than an inconvenience, and so agreed to the punishment.

13. Lord Chief Justice Wraye, as Chief, concluded the matter, and pronounced judgment judicially upon the grounds alledged before of others, which he enforced, &c. And after, as from her Majesty, spake somewhat to justify her proceedings in all these matters, and to declare that she did not for this impute any fault to her Council, for that they were misled by this man's undue suggestions.

Mr. Davison submitted himself to the judgment of the Queen's mercy, and requested that he might propose a question, which he took upon his credit to be such as they would not dislike, and therefore he had leave, and a request. His question was, If this being in my hands, her Majesty had miscarried, what would have become of me? To this Sir Walter Mildmay and the Lord Chief Baron answered, that my Lord Gray had moved it already. His request was not

for mitigation of his fine, nor for enlargement of prison, although he could never, in all his life, worse bear it than now; much less for his former estate, than only that he might, with her Majesty's favour, enjoy any condition whatsoever, requesting them to be intercessors for this. Nothing to this was said, but they arose and departed.

These, I am sure, are the principal matters by any of them uttered, so far as by myself or by my conference I could recal to mind.

Ex Autographo Gulielmi Nutti, qui oculatus testis adfuit.

APPENDIX G.

From Harl. MSS. 290. f. 237.

That my Lord Treasurer Burleigh, many years before his death, did endeavour, both secretly and openly, by himself and his instruments, to suppress and keep down Mr. Davison, may appear,

I. First, by his neglect to do any thing for him ever since his trouble, notwithstanding he had both the means, considering the place he held in her Majesty's service and favour, and how much he was otherwise bound thereto in honour and conscience, as well in regard of the cause itself and special interest his Lordship had therein, and as the merit of the gentleman, both publicly at the hands of her Majesty and the State, whom he had so long and so faithfully served, and privately of himself, as some of his own friends and servants can best witness.

II. By his continual opposition to all means propounded, either for restitution to

his place, access to her Majesty's presence, or relief, or his estate; for,

1. By his own speeches discovering his mislike thereof to some of his private friends;
2. By the testimony of others of her Majesty's Council, both dead and living, who, out of their own observation and knowledge, have confessed as much both to others of their friends and to Mr. Davison himself;
3. By the ordinary discourse and observation of his own children, followers, and servants, confirming the same;
4. And especially by a due examination of the causes inclining him thereto; as, namely,
   i. His great desire and labour to make his son Secretary, which Mr. Davison's restoring would in all reason have been a great impediment, considering the right he had to the place both by her Majesty's letters patent and his former possession, the trial her Majesty had made of his sufficiency and fidelity, and the little colour his Lordship should have had

either to labour for his son, or hope of his prevailing, if the other had been restored and her Majesty's service supplied;

ii. The hatred and malice they bare unto him, because, 1. he seemed specially to stand in their light, and therefore bent their main battery against him; 2. they had done many wrongs, for men do commonly hate such as they have injured; 3. they feared he might be even with them if ever he returned to his place, knowing that he wanted neither judgment nor courage.—*Quem metuunt odiunt.*

III. His unaptness to serve their turns, or subject himself to any of their humours or fashions, with prejudice to her Majesty's service and his own honour and conscience.

IV. The hurt might redound, by his restoring, to themselves, because her Majesty should thereby have had the less need or use of their service in that kind, and his Lordship the less colour or means either to work in his son or keep the managing of

those affairs during the mean time in his own hands, a thing he specially aimed at, both to hold her Majesty in a continual necessity of his service, and thereby to fortify and maintain his credit the better with her Majesty during his life, and prevent the raking into his estate and actions after his death, as hath since sufficiently appeared by the success.

That he hath crossed all means for his access to her Majesty's presence may be proved,

1. By the confession of divers of his own friends and followers ;
2. By the cause inducing him thereto, namely, lest his access might be a step to his full reconcilement, which they greatly feared and misliked.

And how he hath otherwise hindered all means for repair of his estate may appear,

1. By his crossing all motions tending thereunto in taking exceptions sometimes against the nature of the suit, sometimes to the value, otherwhiles to the time, and sometimes by the propounding some other thing that might seem more agreeable to her Majesty's

humour or profit; in the end he might (as the proverb saith) knock out one nail with another, and so impoverish and hold him under;

2. By the cause alledged by his Lordship to Mr. Davison himself, as, namely, the fear he had lest her Majesty should use his service, gathered out of his own argument, affirming that if her Majesty had repaired his estate she would use his service; but all men know he had no will or purpose she should use his services, being a thing so *contrary* to his own ends, so therefore no likelihood that he would further the relief of his estate, whatsoever countenance he made thereof;
3. And, lastly, by the testimony of many of her own counsellors and servants, of which some are dead, and some living, who out of their own knowledge, as eye and ear witnesses, have confessed as much to Mr. Davison himself.

So as by these circumstances it may evidently appear that it hath been no respect of her Majesty's honour or service, or just

offence ministered by Mr. Davison, but their own particular ambition and malice that hath made the Treasurer and his son to oppress and keep him down so many years together.*

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* There has been many alterations made in the latter part of this statement: the last line was originally "to carry so hard a hand upon him so many years together, with the oppression and ruin of his poor estate." It must be observed, however, that although the corrections appear to have been made some time after it was first written, yet that they all seem to be in the writing of Davison.

THE END.

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ERRATA.

P. 160, l. 3, for "attending," read "alluding."
P. 196, l. 26, for "revolution," read "revolutions."
P. 229, l. 1, for "secret," read "Secretary's."
P. 355, note, for "There has been many alterations,"
read "Many alterations have been made," &c.

BSB Bayerische StaatsBibliothek

MDZ Münchener DigitalisierungsZentrum Digitale Bibliothek

Nicolas, Nicholas Harris,

Life of William Davison Secretary of State and Privy Counsellor to Queen Elizabeth

London 1823

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